Davis Ind

SUPREME COURT OF THE UNITED STATES.

No. ~~308.~~ 195. 111.

THE UNITED STATES, APPELLANTS,

vs.

THE STEAMER "PEARL" AND CARGO, GEORGE WIGG, CLAIMANT.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

GOVERNMENT PRINTING OFFICE.

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1 UNITED STATES OF AMERICA.

District court of the United States, southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE STEAMSHIP PEARL AND CARGO, William Jolly, master and claimant, and George Wigg, claimant of steamer Pearl and cargo. } No. 113.—Prize.

Be it remembered, that on the thirteenth day of February, in the year of our Lord one thousand eight hundred and sixty-three, Thomas J. Boynton, esq., attorney of the United States for the southern district of Florida, filed in the office of the clerk of said court his libel of information against the steamship or vessel called the Pearl, her tackle, apparel, and furniture, and her cargo, in a cause of prize, in the words and figures following, to wit:

District court of the United States, southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE STEAMSHIP PEARL AND CARGO.

To the Honorable William Marvin, judge of said court:

The libel of Thomas J. Boynton, attorney of the United States for the southern district of Florida, who libels for the United States, and for all parties in interest against the ship or vessel called the Pearl, her tackle, apparel, furniture, and cargo, in a cause of prize, alleges: that, pursuant to instructions for that purpose from the President of the United States,

2 Albert G. Clary, of the United States navy, in and with the United States commissioned ship-of-war, the Tioga, her officers and crew, did, on the twentieth day of January, in the year of our Lord one thousand eight hundred and sixty-three, subdue, seize, and capture on the high seas as prize of war the said ship or vessel called the Pearl, of about the burthen of seventy-two English tons, with a valuable cargo on board of the same; and that said vessel and cargo have been brought into the port and harbor of Key West, in the State of Florida, where the same now are within the jurisdiction of this honorable court; and that the same are lawful prize of war and subject to condemnation and forfeiture as such.

Wherefore the said attorney prays that the usual process of attachment in prize causes may issue against said vessel, her tackle, apparel, furniture, and cargo; that monition may issue citing all parties having or claiming any interest or property in said vessel or cargo to appear and claim the same; that the nature, amount, and value may be determined; that due and proper proofs may be taken and heard; and that on all due proceedings being had the said vessel, the Pearl, together with her tackle, apparel, furniture, and cargo, may, on the final hearing of this cause by the definitive sentence of this court, be condemned, forfeited, and sold, and the proceeds distributed according to law.

(Signed) THOMAS J. BOYNTON,
U. S. Att'y, S. D. of Florida.

3 Whereupon the following order was made and entered in this cause, to wit:

AT CHAMBERS, *February 13th*, 1863.

Let attachment and monition issue returnable Feb'y 17th, 1863.

(S'd) WM. MARVIN, *Judge.*

Whereupon attachment was issued to the marshal of said district, commanding him forthwith to attach, seize, and take into his custody the said ship or vessel called the Pearl, her tackle, apparel, furniture, and the goods, wares, and merchandize comprising the cargo of said vessel, in the port of Key West, or wheresoever the same may be found within his precincts; and the same to keep until the further order of this court; which attachment was afterwards by him returned duly executed, and with the return thereon endorsed is on file in the clerk's office.

Also monition was issued to the said marshal, commanding him forthwith to cite and admonish all persons whomsoever having or pretending to have any right, title, claim, or interest in or to the said vessel, the Pearl, her tackle, apparel, furniture, or cargo, to appear at an admiralty session of said court, to be held at the court-rooms of said court at Key West, in said district, on Tuesday, the seventeenth day of February, A. D. 1863, at ten o'clock in the forenoon of that day, to show cause, if any they have, why condemnation and forfeiture should not be decreed according to the prayer of said libellant; which monition was afterwards by him returned duly executed, and with the return thereon endorsed, is on file in the clerk's office.

5 District court of the United States for the southern district of Florida.

THE UNITED STATES
vs.
THE STEAMSHIP PEARL AND CARGO. } Prize.

Papers returned as found on board the said vessel, the Pearl, and read in evidence on the hearing of this cause.

Form No. 9 A, steamer; signal letters P N W T.

Certificate of British registry.

Official number of ship, 27,119; port number, 38 of 1859; name of ship, Pearl; British or foreign built, British, built at Renfrew, county of Renfrew, year 1859; how propelled, paddle wheel; port of registry, Glasgow; date of registry, 31st May, 1859; number of decks, one; number of masts, one; rigged, smack; stern, elliptical; build, clincher; galleries, none; head, none; framework, iron.

Measurements.—Length from the forepart of stern under the bowsprit to the aft side of the head of the sternpost, 182 feet and 2 tenths; main breadth to outside plank, 19.5; depth in hold from tonnage deck to ceiling at midships, 7.65.

Name and address builder, James Henderson & Son, Renfrew.

Tonnage.

	No. of tons.
Tonnage under tonnage deck	167.71
Closed-in spaces above the tonnage deck, if any, viz:	
Space or spaces between decks	
Poop	
Round-house	
Other inclosed spaces, if any, naming them	
Gross tonnage	167.71
Reduction for space required for propelling power	95 54
Register tonnage	72.17

Length of engine-room, 52 feet 0 tenths ; number of engines, two ; combined power, (estimated horse power,) number of horse power, one hundred and twenty horses. Name and address of engine maker, Henderson & Lobnitz, Renfrew.

I, the undersigned, registrar of the port of Glasgow, hereby certify that the ship, the description of which is prefixed to this my certificate, has been duly surveyed, and that the above description is true; that James McIntyre, whose certificate of competency or service is No. 100,239, is the master of said ship ; and that the name, residence, and description of the owner, and number of sixty-fourth shares held by him, are as follows :

Name, residence, and occupation of the owner, James Henderson, of Glasgow, county of Lanark, ship-owner ; number of sixty-fourth shares, sixty-four shares, (64)

Dated at Glasgow, the thirty-first day of May, one thousand eight hundred and fifty-nine.

(S'd) FRED'K TREVOR, *Registrar.*

Notice.—A certificate of registry granted under the merchant shipping act, 1854, is not a document of title. It does not necessarily contain
7 notice of all changes of ownership, and in no case does it contain an official record of any mortgages affecting the ship.

N. B.—Indorsements of changes of owners and masters must be made as directed by the instructions to registrars, and will follow here.

Names of the several persons, owners of the ship within described, on the sixteenth day of May, 1860, William Rushton Coulborn, of Liverpool, county of Lancaster, merchant and ship-owner; number of shares held by each owner, sixty-four, (64)

CUSTOM-HOUSE, *Glasgow.*

I hereby certify that the person above mentioned is on this sixteenth day of May, 1860, registered owner of the ship within described.

(S'd) WILLIAM SHARPE,
P. Registrar of the Port of Glasgow.

Name of the owner of the ship within described on 21st February, 1862, Peter Lindsay Henderson, of Glasgow, county of Lanark, merchant ; No. of shares held, sixty-four shares, (64)

I certify that the person above named is on this 21st day of February, 1862, registered sole owner of the ship within described.

(S'd) JA. WHITE,
P. Registrar for the Port of Glasgow.

Name of the owner of the ship within described on 24th September, 1862, George Wigg, of Liverpool, county of Lancaster, merchant ; number of shares, 64.

I certify that the person above named is on this 24th day of September, 1862, registered sole owner of the ship within described.

(S'd) JA. WHITE,
P. Registrar for the Port of Glasgow.

8 CUSTOM-HOUSE, *Glasgow, 25th September*, 1862.

I hereby certify that George Moses Maxted, whose certificate of compe-

tency is No. 14101, has this day been appointed master of the ship within described.

(S'd) JA. WHITE, *P. Registrar.*

CUSTOM-HOUSE, *Glasgow, 25th September*, 1862.

The rigging of the vessel within described has been changed to that of a schooner with two masts in place of one.

(S'g) JA. WHITE, *P. Registrar.*

CUSTOM-HOUSE, *Glasgow, 13th October*, 1862.

I hereby certify that Matthew Lamont Irvin, whose certificate of competency is No. 3111, has this day been appointed master of the ship within described.

(S'd) JA. WHITE, *P. Registrar.*

CUSTOM-HOUSE, *Cork*, 22 *Nov'r*, 1862.

I hereby certify that William Jolly, the number of whose certificate of competency is No. 8051, has this day been appointed master of the ship within described, in the place of Matthew Lamont Irving.

(S'd.) F. CAPELL, *Registrar Port of Cork.*

9 GLASGOW (A.) *Agreement for foreign-going ship.—(Ship's copy.) Sanctioned by the Board of Trade August*, 1860, *in pursuance of* 17 *and* 18 *Vict., c.* 104.

Name of the ship, Pearl; official number, 27119; port of registry, Glasgow; port number and date of register, 38 in 1859; registered tonnage, 72; managing owner: name, Burns, Elliott st; address (state No. of house, street and town,) Mathieson & Co, Glasgow; master: name, Math. L. Irving; No. of certificate, 3111, address, (state No. of house, streets and town,) 15 Jamaica st, Greenock; date and place of first signature, including name of shipping office, Glasgow, 4 October, 1862.

The several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom four are engaged as sailors, hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from Glasgow [here the voyage is to be described and the places named at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated] to Nassau, and there to be discharged with the consent of the local authorities.

Probable period of engagement three months, [here are to be inserted the number of any of the regulations for preserving discipline, lettered R, issued by the Board of Trade, which the parties agree to adopt; if any of them are so adopted, a copy of the regulations is to be kept annexed to the agreement;] and the crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the said ship and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew as wages the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or wilful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the

wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that [here any other stipulations may be inserted to which the parties agree, and which are not contrary to law] no spirit be allowed. The seamen and firemen to assist in loading and trimming coals, and to assist on deck when required. Ten pounds additional to be paid each man on being discharged at Nassau.

In witness whereof, the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by Matthew L. Irvin, master, on the 4th day of October, 1862.

The authority of the owner or agent for the allotments mentioned below is in my possession

[This is to be filled up if such an authority has been produced.]

——— ———, *Shipping Master.*

Scale of provisions to be allowed and served out to the crew during the voyage.

	Bread. lb.	Beef. lb	Pork. lb.	Flour lb.	Peas	Tea	Coffee. oz.	Sugar. oz	Water. qts.
Sunday	1	1¼	.....	¼	.....	¼	¼	2	3
Monday	1	.....	1½	.....	½	¼	¼	2	3
Tuesday	1	1¼	.....	¼	.....	¼	¼	2	3
Wednesday	1	.....	1¼	.....	½	¼	¼	2	3
Thursday	1	1¼	.....	¼	.....	¼	¼	2	3
Friday	1	.....	1¼	.....	½	¼	¼	2	3
Saturday	1	1¼	.....	¼	.....	¼	¼	2	3

Barley or rice twice weekly, ⅓ pint each man. Lime juice, sugar, and vinegar as per act of Parliament.

Substitutes.

1 oz. of coffee, or cocoa, or chocolate, may be substituted for ¼ oz. tea, molasses for sugar, the quantity to be one half more, 1 lb. of potatoes or yams, ½ lb. flour or rice, ⅓ pint of peas or ¼ pint of barley, may be substituted for each other. When fresh meat is issued, the proportion to be 2 lbs. per man per day, in lieu of salt meat, flour, rice, and peas. Beef and pork may be substituted each for the other.

Signatures of crew.	Age	Town and country where born.	Ship on which he last served, official number, and port she belonged to, or other employment.	Date and place of discharge.	Date and place of joining this ship.	In what capacity engaged, and if mate, No. of his certificate, if any.	Time at which he is to be on board.	Am't of wages per calendar month, share or voyage.	Am't of wages advanced on entry.	Am't of monthly allotment.	Shipping master's signature or initials.
							Tuesday—	£ s. d.	£ s. d.	£ s. d.	
James Dickie	23	Montreal			10 Oct, Glas'o	Mate, 21979	7 Oct'r	13	13		F. Duncan.
John G. Richardson	25	York		Sept'r, Glas'o	4 Oct. Glas'o	2d mate, 26586	6 a. m.	6 10	6 10		F. D.
John McKay	19	Glas'o	Pearl, Glas'o	do do.	do	Steward	do	4 4	4 4		F. D.
William Jandil	40	London	Glas'o	do do.	do	Cook	do	5 5	5 5		F. D.
Joseph Carnaghan	53	Milford	Pasco, London	October, Glas'o	do	Seaman	do	4	4		F. D.
Charles Nelson	28	Glas'o	Glas'o	do do.	do	Seaman	do	4	4		F. D.
Charles Blane	24	L'pool	Ima, Glas'o	do do	do	Seaman	do	4	4		F. D.
William Lattimer	31	Glas'o	P E is'd	Sept L'pool.	do	Seaman	do	4	4		F. D.
D. Campbell	27	Glas'o	Lestra, London	Sept'r, London.	do	1st engineer	do	18	18		F. D.
John x Myles	31	Nottingham	Juna, Glas'o	S pt'r, Glas'o	do	Fireman	do	4 5	4 5		F. D.
Thos. x McWhinnie	27	Paisley	Sarlind, "	do do.	do	Fireman	do	4 5	4 5		F. D.
James Duffey	28	Glas'o	N. R., "	Dec'b'r, do	do	Fireman	do	4 5	4 5		F. D.
Ambros x Bain	56	do	S. S., Glas'o	Sept'r, do	do	Fireman	do	4 5	4 5		F. D.
Wm McLellan	33	do	Vigo, Glas'o	do do.	do	Fireman	do	4 5	4 5		F. D.
John Buchanan	29	do	John Bell, do	do do.	do	Fireman	do	4 5	4 5		F. D.
Peter Campbell	47	Glas'o	Clyde, Glas'o	1859, do	11 Oct., Glas'o	2d engineer		14	14		F. D.
William Fisher	23	Paisley	P. ship			2d engineer		12	12		F. D.
James Walker	26	Derby	Commissioner, Brazils	31-3, '62, Maranh'm	4 Nov., '62, Q'nst'n	1st engineer	31 Oct., '62	15	15	10	J. H. Hill.
Andrew Fulton	25	Belfast	Tennephose, Belfast	29-2, '62, L'pool	4 Nov., '62, Q'town	2d engineer	do	12	12	6	J. H. Hill.
PLACE FOR SIGNATURES AND DESCRIPTION OF SUBSTITUTES. (Note.—Here the entries are to be made as above, except that signature of the consul or vice-consul, officer of customs or witness before whom the man is engaged, is to be substituted for that of the shipping master.)											
his Henry x Mulling mark	31	London	John Christiana	Nov. 14, '62, Cork	25 Nov, '62, Cork	A. B.	Nov 25, '62	4 0 0	4 0 0		Johns & Hall.
John White	22	Cork	Cuba, Greenock	Aug 21, '62, Green'k	25 Nov., '62, Cork.	A. B.	Nov. 25, '62	4 0 0	4 0 0		Johns & Hall.

Endorsements.

BRITISH VICE-CONSULATE, *Corunna.*

Vessel arrived 4th Dec'r, 1862. Articles delivered 4th Dec'r, 1862. Articles returned 4th Dec'r, 1862.

(S'd) EDWARD SANTOS, *Vice-Consul.*

H. B. MAJESTY'S CONSULATE, *Madeira.*

Deposited and returned to the master this 11th December, 1862.

(S'd) G. H. HAYWARD, *British Vice-Consul.*

BRITISH CONSULATE, *Saint Vincent, Cape Verde Islands.*

These articles were deposited on the 18th day of December and delivered to the master on this 19th day of December, 1862.

(S'd) THOMAS MILLER, *H. B. M. Consul.*

Deposited at this consulate 2d instant and returned to the master this day.

St. Thomas, 13th January, 1862.

(S'd) J. J. BALL, *Act'g Consul.*

10 Shipped, in good order and condition, by George Wigg, in and upon the good ship or vessel called the Pearl, whereof Irvin is master for this present voyage, and now lying in the port of Cork and bound for Nassau via Madeira and St Thomas, [J.] 1–10 ten bales merchandize, being marked and numbered as per margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto Messrs. H. Adderly & Co., or to their assigns, he or they paying freight for the said goods forty shillings per ton measurement, with primage and average accustomed.

In witness whereof, the master or purser of the said ship or vessel hath affirmed to 3 bills of lading, all of this tenor and date, one of which being accomplished, the rest to stand void.

Dated in Cork, this 31st day of October, 1862.

To all to whom these presents shall come, I, Thomas Miller, esquire, her Britannic Majesty's consul for Cape de Verde Islands, send greeting:

Whereas the vessel called the Pearl, whose master is William Jolly, is about to sail from Porto Grande, St. Vincent, Cape de Verde Islands, on this nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and from thence for West Indies and other places beyond the seas, with twenty persons on board, including the master,

11 now I hereby certify that at the present time no plague, epidemic, cholera, nor any dangerous contagious disorder exists in the above port or neighborhood.

In testimony whereof, I have hereunto set my name and seal of office, on the day and year aforesaid.

(S'd) THOMAS MILLER,

[SEAL.] *H. B. M. Consul.*

Given at the British consulate, St. Vincent, Cape de Verde Islands, on the 19th day of December, in the year of our Lord 1862.

[SEAL] 12TH JANUARY, 1863.

GENTLEMEN: On the requisition of Mr. William Jolly, master of the steamer

Pearl, now in this port, I have to request you to proceed on board said vessel and examine the repairs recommended by survey held on the 5th instant, of which the accompanying is a copy, and report to me in writing if such repairs have been done in an efficient and workmanlike manner.

I am, gentlemen, your most ob't servant,

(S'd) J. J. BALL, *Act'g Consul.*

Mr. THO'S W. SAWYER,
Master R. M. S. Tasmanian.

Mr. ALEX. WYLE,
Chief Engineer R. M. S. Tasmanian.

12 ST. THOMAS, *Jan'y 12th*, 1863.

J. J. Ball, H. B. M. at'g consul:

SIR: In accordance with the request contained in your letter of this day's date, we, the undersigned, have examined the repairs done on board the steamer Pearl, William Jolly master, now lying in this port, recommended by survey held on the 5th instant, and we have to report that the repairs in question have been done in a workmanlike and efficient manner.

Respectfully, y'r most obedient servant,

THOS. W. SAWYER,
(Rec'd fee, $8.) *Master R. M. S. Tasmanian.*

ALEXANDER WYLE,
(Rec'd fee, $8.) *Chief Engineer R. M. S. Tasmanian.*

I, John Julius Ball, esquire, her Britannic Majesty's acting consul for the island of St. Thomas, hereby certify that the foregoing is a correct copy taken from the original in the archives of this consulate.

In testimony whereof, I have hereunto set my hand and seal of office
13 this thirteenth day of January, eighteen hundred and sixty-three.

[SEAL.] (S'd) J. J. BALL, *Act'g Consul.*

LIVERPOOL, *13th October*, 1862.

Messrs. Henry Alderley & Co., Nassau, N. P:

DEAR SIR: This will be handed to you by Capt'n Matthew Irvin, of the steamer Pearl, to your consignment.

You will have received instructions by regular mail in regard to this vessel, and I trust she will arrive out safely.

Commending her to your care, I am, dear sir, your ob't serv't,

(S'd) GEORGE WIGG.

Bills of vessel's expenses.

William Latimer, seaman	8*s.*	note.
Joseph Carnaghan, "	8	do.
Chas. Blane, "	20 7	do.
Chas. Nelson, "	25	
Wm. Sandell, cook	8	note.
John McKay, steward	20	
	£4 9 0	
Tho. McWhinnie	10*s.*	note.
Wm. McLellan	10	note.
James Duffie	10	note.
John Buchanan	20	
Andrew Bain	10	note.

	John ——			10	note.
14	John G. Richardson		3	7	6
	One pound ten shillings, (£1 10)		1	10	0
8 0 0					
5 9 0			1	17	6
			5	9	0
2 11 0					
1 17 6			7	6	6
13 6					

SAINT THOMAS, *13th January*, 1863.

Br. paddle st'r Pearl, Capt. Jolly and owners, to Lamb, Ball & Co., Dr.

Jan'y 3d, 1863.	To cash to Capt. Jolly		$5 00
" 5th, "	surveyors on stm'r's condition		48 00
" 12th, "	" " repairs		16 00
" 13th, "	cash to Capt Jolly		5 00
" " "	80 tons steam coals, at $12 00		960 00
" " "	British consul's fees		5 00
" " "	Soudersburg, Haddock & Co., ship chandlers		10 10
" " "	J. M. Villain & Co, butchers		15 36
" " "	Robert Notman, factory		228 48
" " "	fort pass		1 25
" " "	anchorage dues		2 96
" " "	5 per cent. commission on cash advances		16 86
" " "	agency, entering and clearing, &c		25 00
			$1,339 01

CR.

Jan'y 12th.	By draft on Messrs. J. & T. Johnson in our favor, £275, at $4 80	$1,320 00
" 13th.	By draft on Messrs. J. & T. Johnson in our favor, £3 19 3, at $4 80	19 01
		$1,339 01

E. & O. E.

15 Account of port pilotage and other disbursements on the British steamer Pearl, William Jolly master, which vessel put in this port by stress of weather, requiring coals.

	Rou.	
To anchorage	158	
captain of the port's fees, castle pass, B. of health, Fondeo Mesa, &c	196	
a pilot taking up at sea	200	
the harbor pilot for pilotage in and out of the port	480	
water	20	
labourers sent on board to put the coals in and boat hire, &c	250	
telegram to Liverpool	60	33
	Rou. 1,364	33

At 4.4	£14 15 6
50 tons of Welsh coals, bought of Juan Pardo at 40f., put alongside of the vessel	100 00 0
	£114 15 6
My commission, 5 per cent	5 14 9
	120 10 3

For which sum of one hundred and twenty pounds 10*s.* 3*d.* st'g Capt'n Jolly gives me his draft on Messss. John & Thomas Johnson, of Liverpool.
Corunna 4th Dez'r, 1862.

EDWARD SANTES,
(Sd) *rp.* DE QALBIDEA.

16 SAO VICENTE, 19*th Dec'r*, 1862.

Capt'n and owners steamer Pearl to Visger & G Miller:

	R's
Customs account	9,920
British consular B. health	2,250
44 lbs. meat, at 100	4,400
24 laborers, at 480	11,520
271 gallons water, at 15	4,065
Entering and clearing at customs, &c.	9,600
5 per cent. com.'s on advances	2,085
	R's 43,840
	£9 14 10
100 tons coals, at 47*s.* 6*d.* per ton	237 10 00
	£247 4 10

CR.—By bill on Messrs. Jno. & Thos. Johnson, Water st., L'pool, in favor of Messrs. Visger & Miller, at 30 days £247 4 10
St. Vincent, 19th Dec'r, 1862

VISGER & GEO. MILLER,
Per R. COAFFEE, *Manager.*

17 *Ship's log-book.*

Tuesday, October 14th, 1862.—The first and middle parts of this day strong breezes and cloudy. Latter part, wind light with alternate showers of rain. Boiler repaired. Seamen employed at necessary duty. Winds SW.

Wednesday, October 15th.—The first part cloudy, dull weather, with light wind. 7 a. m. got steam up and proceeded down to Renfrew. Received lifeboat on board; also 2 hen coops. Wind SW. 9 30 a. m. proceeded to Garelochead. Had compasses adjusted. 4 30 p. m., proceeded to Gourock Roads and came to with the best bower, 30 fathoms chain. Wind W.SW. Latter part, fresh breezes with alternate showers of rain. 7 p. m. captain went ashore.

Thursday, October 16th.—The first part strong winds with occasional showers of rain. 7 a. m. pilot came on board. Hove short; got steam up. 11.30 got the anchor and proceeded. (This log contains 12 hours and ends at noon to commence the sea log.)

Thursday, October 16th, 1862.—Noon, strong breeze with heavy showers

of rain. Wind SW. 4 p. m., Pladda light-house bearing N.NW., distant. 1 mile. Wind SW. 6 p. m., freshening gale with rain; a short rough
18 sea running. Wind SW. 9 p. m., put into Loch Ryan, and came to with 35 fathoms on the small bower; Cairn Ryan light-house bearing , distant $\frac{3}{4}$ mile. Midnight, strong gale with heavy rain; let go the best bower and paid to 15 fathoms on each. Wind W.SW.

Friday, October 17th, 1862.—Commences with strong gales, with heavy showers of rain. 4 a. m. do., wind and weather. 8 a. m. do., wind and weather. Noon do., wind and weather, people employed at necessary work. 1 p. m. got steam up, lifted the anchors, and shifted ground. Came to with B. anchors, 30 fathoms small bower, and twenty fathoms best bower. 8 p. m. strong squalls, with occasional heavy showers. Wind from W.SW. to W.NW.; force 7, (see formula.)

Saturday, October 18th, 1862.—Commenced with strong gales, attended at intervals with heavy showers of hail. 4 a. m. do., wind and weather. 8 a. m. do., wind and weather. Noon, heavy squalls with hail; wind hauling to the N.NW. People employed cleaning; also, filling coal-bunkers. Force 7. 8 p. m. do. Midnight, fresh gale and clear. Wind from W.NW. to N.NW.; force 6.

19 Sunday, October 19th, 1862.—Commences with fresh gales with cloudy weather. Wind W.NW.; force 7. 4 a. m. do., weather. Wind west; force 7. 8 a. m. do. Wind W. SW.; force 7. Noon, fresh gale, attended with rain. No duty done to-day. Wind SW. b. S.; force 7. 4 p. m. do., wind with heavy sea. Wind S. b. W.; force 6. 8 p. m., strong squalls, with thick rain. Wind chapping round to the NE. Wind NE; force 7. Midnight, heavy gale, attended with terrific squalls, paid to 15 fathoms more on each chain. Wind N. b. E; force 8.

Monday, October 20th, 1862.—Commences with heavy gales, attended with terrific squalls. Same time had recourse to get steam up, and go ahead during the squalls. Wind N. b. W.; force 9. 2 a. m., gale considerably abated; let steam off. 8 backed fires up. Wind N.NW; force 7. 8 a. m., wind hauling round to the westward, but still blowing hard. Wind W.SW. Noon, do. weather. People employed variously about the decks. Wind W.NW. 2 p. m., endeavored to pick our anchors, but did not succeed until 4 30 p. m. in doing so; fouled small anchor, and parted the chain of the same, but succeeded in getting all attached; also the anchor. Steamed up to Stranraer Roads, and brought up off pier-head with 35 fathoms on the best bower. 8 p. m., strong gale, with heavy showers of rain. Wind N.NW. Midnight, do., wind and weather.

20 Tuesday, October 21st, 1862.—Commences with strong gales, attended with showers of rain. Wind N.NW.; force 7. 4 a. m., do., wind and weather. Wind N.NW.; force 7. 8 a. m., do. Wind N.NW; force 7. Noon, do. weather. People employed bringing water off, and other necessary work. Wind N. b. W.; force 7. 4 p. m., gale considerably abated. Wind N.NW.; force 5. 9 p. m., much more moderate, with thick drizzling rain. Wind veering to the W.SW. Wind W. SW.; force 5.

Wednesday, October 22nd, 1862.—Commences with strong gales, with alternate squalls, attended with heavy showers of rain; force 7. 6 a. m., do., wind, with heavy rain; force 7. 8 a. m., do., wind and weather. Noon, strong gale, with alternate showers of rain. People employed filling coal-bunkers, and cleaning up. Force 7. 4 p. m., more moderate, with occasional showers; force 5. 8 p. m., do weather; force 5. Midnight, increasing gale, with rain. Wind from W.SW. to NW.; force 7.

Thursday, October 23rd, 1862.—Commences with strong gales, attended with very heavy squalls; force 8. 4 a. m., do weather; force 8. 8 a. m., do.; force 8. Noon, strong gale, and clear. People employed variously

about the decks. Force 7. 4 p. m., fresh gales, with alternate showers; force 6. 8 p. m., do., wind with heavy rain; force 6. Midnight,
21 do., wind and weather. Wind from NW. to north; force 7.

Friday, October 24th, 1862.—Commences with fresh gales, attended with showers of rain; force 7. 4 a. m., do. weather; force 7. 8 a. m, strong squalls, with heavy rain; force 7. Noon, more moderate, with clear weather; force 6. 4 p. m, moderate and cloudy; force 5. 8 p. m., calm, with heavy showers of rain. Midnight, fresh breeze, and cloudy. Wind from N.NW. to W NW.; force 4.

Saturday, October 25th, 1862.—Commences with strong breezes, attended with rain; force 5. 4 a. m, do. wind and weather; force 5. 8 a. m., fresh gale, with heavy rain; force 6. Noon, more moderate, with drizzling rain; force 5. 2.30, got steam up. Have short. 3, got the anchor, and proceeded. 4 15 p. m., Corsill Point bearing S.SE., distant 3 miles; force 6. 5.10 p. m., Copland light bearing SW. by W., $\frac{3}{4}$ W., dis. 7 or 8 miles. 6 p. m., fresh gales, attended with thick heavy rain. 7 p. m., came to with 35 fathoms on the best bower in Carrickfergus Roads, castle bearing N. b. E., dist. 1 mile; force 7. Midnight, fresh gale, and clear. Wind from SW. to W.SW.

Sunday, October 26th, 1862.—Commences with fresh gales, with showers of rain. Wind W.SW.; force 6. 5.30 a. m., weighed our anchor, and proceeded; force 5. 7.30 a. m., Copland Island bearing W.NW., distant 2 miles. Wind W. b. S. 8 a. m., fresh gales, and clear weather, with a strong S.SW. sea running. 11.30, put into Killon Harbor. Wind
22 W. b. N. Noon, do. weather, weighed our anchor and proceeded. 2.30 p. m., Carlingford light-house, bearing NW. by W., distant about 8 miles. 5.45, passed Lambay Island Wind W.NW. 7.15 p. m., came to in Kingstown Harbor, with 20 fathoms on the best bower. To-day chief engineer off duty, having incorrectly stated the quantity of coal in the bunkers, which led to his being ordered to keep his room; the same at 5 p. m. apologized, and returned to duty.

Monday, October 27th, 1862.—Commences with fresh gales, with showers at intervals. Wind W.SW.; force 6. 4 a. m. Strong gale and cloudy. Wind W.SW.; force 7 8 a. m. do. wind and weather. Wind west; force 7. 11 a. m. First and third engineers went ashore, having been allowed liberty for 2 hours. Noon. Heavy gale with showers of rain; same time vessel driving. Let go small bower and paid out 15 fathoms on each anchor; also had recourse to get steam up. Engineers not returned on board. People employed filling coal-bunkers. Wind west; force 8 4.30 p. m. Engineers hailed the ship, in doing so using very insulting language, intended for the officers of the ship. Could not, on any account, send a boat ashore, it blowing too hard. Wind NW. 5.15 p. m. More moderate; sent the boat on shore; engineers not attending, returned on board. Wind W.SW.
23 Tuesday, October 28th, 1862.—Commences with strong gales and clear weather. Wind west. 4 a. m. More moderate and clear. Force 4. 5.30 Got the small bower and hove short on the best bower; also found that the stock of the best bower had parted in two. 7 a. m. Steam up. Got under weigh and proceeded. Engineers returned on board, 6.45. 7.25 a. m. Abreast of Bray Head. 9.30. Wicklow Head bearing NW. by W. 5 miles Wind W. by N.; force 4. 11 15 a. m. Arklow light-vessel E.SE. Noon. Fresh breeze, with clear weather. People employed cleaning. 12 35. Blackwater light-float bearing west, dis $\frac{1}{4}$ mile. Wind W.NW.; force 4. 2 30. Tuskar light-house bearing SE, dis. 3 miles. 4 p. m. Passed Conningbeg light-float. 6.30. Abreast of Mine Head. 10.30 p. m. Came to in Queenstown Roads, with 25 fathoms on the best bower. Midnight. Light wind, with clear weather.

Wednesday, October 29th, 1862.—Commences with light winds and clear weather. 10.30 a. m. Got steam up; hove short. 11. Got the anchor and proceeded, having a pilot on board. Noon. Moored alongside coal wharf and commenced to coal. Latter part, fine, clear weather.

Thursday, October 30th, 1862.—Commences with fine, clear weather. 3.30 a. m. Completed our coaling, having received 77 tons coal, partly
24 in bulk, and bags. 6.30 a. m. Found that the first and second engineers had absconded from the ship during the night. Joseph Carnaghan, seaman, and James Duffie, Andrew Bayne, fireman, off duty against orders, refusing to stop on board ship; had them apprehended and lodged in gaol. 3d engineer employed repairing feed-pipe of boiler.

Thursday, October 31st, 1862.—Commences with thick, dull weather, with drizzling rain. 1 o'clock. Joseph Carnaghan, J. Duffie, A. Bayne, all three who were imprisoned, returned on board. 2 p. m. Unmoored and towed down to Queenstown Roads; brought up with 30 fathoms chain on the best bower. Latter part, dull, cloudy weather.

Saturday, November 1st, 1862.—Commences with light wind and fine weather. Got a fresh supply of water on board. People employed cleaning and several other necessary duties. 6 p. m. 1st and 2nd engineers came on board, shipped in the place of those absconded. Latter part dull and cloudy. Wind SW.

Sunday, November 2d, 1862.—The first part moderate and cloudy. Middle and latter parts moderate, with fine weather. Wind westerly.
25 Monday, November 3rd, 1862.—The first part fresh breezes, with thick, drizzling rain. Latter part moderate and clear. People employed cleaning. Winds from south to W.SW.

Tuesday, November 4th, 1862.—The first part moderate, with fine weather. People employed cleaning and painting. Latter part fine, clear weather. Wind westerly.

Wednesday, November, 5th, 1862.—The first part moderate, with fine weather. People employed cleaning and painting. Received a lifeboat aboard, with oars, mast, and sail. Latter part fine, clear weather. Wind west to NW.

Thursday, November 6th, 1862.—The first part moderate, with fine weather. Middle and latter parts do. weather. People employed variously. Winds westerly.

Friday, November 7th, 1862.—Fair weather throughout, with light, variable winds from the westward. People employed cleaning and otherwise about the decks.

Saturday, November 8th, 1862.—The first part cloudy and dull. Middle and latter parts fresh gales from the SW., accompanied with drizzling rain. 8 p. m. Let go the small bower; payed to 10 fathoms each chain.
26 Sunday, November 9th, 1862.—The first part strong winds, attended with rain. Middle and latter part clear and fair. Wind W.SW.

Monday, November 10th, 1862.—The first part strong breezes, with showers of rain. Middle and latter parts do. weather. People employed cleaning and other necessary duties. Wind NW.

Tuesday, November 11th, 1862.—The first part fresh gales, with showers of sleet. Middle and latter part do. wind, with showers of rain. Winds NW. by N.NW.

Wednesday, November 12th, 1862.—Commences with light airs from the west and clear. 9 a. m. Got steam up; hove short. 11.35. Got under weigh and proceeded. Noon. Calm and fine. This log contains 12 hours, and ends at noon to commence the sea-log.

Wednesday, November 12th, 1862.—Commences with light, variable

winds, with fine weather. Vessel going full speed. Calm. 12.25 p. m. Roches Point, bearing by compass E.NE. 5 miles. 1.30 p. m. Old Head Kinsale bearing by compass NW., dis. 4 miles, from which our departure is taken. 4 p. m. Light airs from the S.SW. 8 p. m. Strong breeze and clear. Midnight. Increasing breeze and cloudy.

27 Thursday, November 13th, 1862.—Commences with a fresh gale and cloudy; a strong swell from the NW. Wind S.SW.; force 7. 4 a. m. Fresh gale and cloudy; vessel laboring and taking a deal of water on deck. Wind S.SW.; force 7. 5.20 a. m. Increasing gale, with rain; a short cross-sea; vessel laboring very much and taking a deal of water on deck; same time deemed it prudent for to bear up, which was accordingly done, for Queenstown. Wind S.SW.; force 8. 10.20 a. m. Wind suddenly chopped round to the NW., with strong squalls; a heavy cross-sea running. Wind NW.; force 8. Noon. Do. wind and weather. Inspecting engineer reported several things in the engine-room insufficient. 4 p. m. More moderate, with a strong sea from the NW.; vessel laboring and making water to a considerable extent. Wind NW.; force 7. 10.30 p. m. Kinsaid light bearing by compass N.NW., dis. about six miles. Wind 8, force 6. Midnight. Strong wind and clear. Passed Roches Pointlight. Came to an anchor at 12.30 in Queenstown Roads with 25 fathoms on the best bower.

Friday, November 14th, 1862.—Commences with fresh gales and clear. 3 o' a. m. Came to anchor in Queenstown Roads with 25 fathoms on best bower. 4. a. m. Do. wind and weather. This log contains 11 hours and ends at 4 a. m. to commence the harbor log.

Friday, November 14th, 1862.—The first part strong and fine. Middle and latter parts do. weather. People employed at several necessary duties. Wind NW.

28 Saturday, November 15th, 1862.—The first part strong wind and fine weather. Middle and latter parts do. weather. People employed variously. Wind NW.

Sunday, November 16th, 1862.—Commences with light airs from the west with thick weather; latter part, light and fine.

Monday, November 17th, 1862.—Commences with light winds and fine weather. 3 p. m. ordered to Cork to get repairs done. Got steam up. Hove short and proceeded for Cork. 5.30 p. m. grounded in the river. Run a kedge out, but did not succeed in getting off until 9.30. Proceeded up until midnight. Weather being so thick, had to come to an anchor.

Tuesday, November 18th, 1862.—Commences with thick foggy weather. 11 a. m., fog partly cleared away. Got under weigh and proceeded. Noon, moored fore and aft to quay. Latter part dull hazy weather.

Wednesday, Nov'r 19th, 1862.—Commences with light hazy weather. Middle and latter parts do. weather. 12, carpenters employed caulking decks. Seamen cleaning decks. Wind southerly.

Thursday, Nov'r 20th, 1862.—Commences with light winds and hazy weather. Middle and latter parts clear and fine do. Carpenters employed as yesterday. Seamen scraping pitch. Wind SE.

29 Friday, Nov'r 21st, 1862.—Commences with light winds and hazy weather. Middle and latter parts calm and cloudy do. Carpenters employed as before at decks, waterways, and stanchions. Seamen scraping pitch and other necessary duties. Wind southerly.

Saturday, Nov'r 22nd, 1862.—Commences with dull hazy weather. Latter part light wind with heavy rain. Carpenters employed as before.

Sunday, Nov'r 23rd, 1862.—Commences with fresh breezes, attended with heavy showers of rain. Middle part do. Latter part fair and calm. Wind S.SE.

Monday, Nov'r 24th, 1862.—Commences with dull hazy weather. 8 carpenters employed caulking and otherwise. Received 25 tons steam coal. Latter part fine and clear. Wind easterly.

Tuesday, Nov'r 25th, 1862.—Commences with dull cloudy weather. Filled water up, also received 6 tons steam coal. Bonded stores. Latter part hazy weather. Wind SE.

Wednesday, Nov'r 25th, 1862.—Commences with light breezes and cloudy. 7 a. m., 2 seamen, John White, Mullins, shipped and signed as part of the crew, came on board. 10, pilot on board. 12 30, steam up, unmoored, and proceeded down. 1 p. m., came to anchor in Queenstown Roads with 30 fathoms best bower. Some time blowing fresh. 3 p. m., fresh gale with thick rain. Let go small bower, 10 fathoms chain. 7 p. m., light wind and calm. Hove up second anchor. Wind from SE. to SW.

30 Thursday, 27th November, 1862.—Commences with strong breezes, attended with heavy showers of rain. People employed cleaning. Middle and latter part strong wind, with alternate showers. Wind westerly.

Friday, November 28th, 1862.—Commences with fresh breezes, attended with thick drizzling rain. Poople employed cleaning. Middle and latter parts moderate and calm. Wind from NW. to west.

Saturday, November 29th, 1862.—Commences with light airs from the eastward and clear. 7 a. m., stove short. Got steam up. Wind east. 7.45 a. m., weighed the anchor and proceeded. 8.15 a. m., pilot left the ship. 8.45, abreast of Roches Point. Wind SW. This log contains 9 hours, and ends at 9 a. m. to commence the sea log.

Saturday, Nov'r 29th, 1862.—Commences with light airs from the SW., with clear weather. Going full speed. Wind SW. 10.25 a. m., Old Head Kinsale, bearing by compass NW., dist. 5 miles. Noon, light breeze, with fine clear weather. A strong swell from the NW. 4 p. m., do. wind and weather. 8 p. m., do. Midnight, moderate and cloudy. Lat., by observation, 51° 19′ 9″.

31 Sunday, Nov'r 30th, 1862.—Commences moderate and cloudy, with a strong swell from the northward. Wind S. b. W.; force 3. 4 a. m., freshening breeze and cloudy. Wind do.; force 4. 8 a. m., strong breeze, attended with small rain. Wind south; force 5. Noon, moderate gale and cloudy, with a short sea from the southward. Wind do.; force 6. 4 p. m., do. wind and weather. Midnight, moderate gale with small rain. Lat., by account, 48°; lat., by observation, 48° 9; long., by account, 8° 17.

Monday, December 1st, 1862.—Commences with strong gales, attended with showers of rain. Wind south. 4 a. m., do. wind, with heavy rain. 8 a. m., do. weather, a heavy cross-sea running. Ship laboring hard, and making deal water. Wind S.SW. Noon, strong gale and cloudy Vessel laboring hard, and making a deal of water from the deck. 4, do. weather. 8, do. Midnight, heavy gale, with a strong sea running. Vessel laboring very hard, and shipping a deal of water.

Tuesday, December 2nd, 1862.—Commences with strong gales, with a heavy cross sea running. Vessel laboring hard, and shipping a deal of water. Wind SW. 4 a. m., rather more moderate, and sea fallen down. 8 a. m., do. wind and weather. Noon, fresh gale and cloudy, attended

32 with small rain. Wind SW. 4 p. m., increasing gale, with heavy rain. A strong SW. sea running. 8. p. m., strong gale, with terrific squalls. Vessel laboring hard, and making a deal of water from the decks. Wind SW. Lat. observed, 44° 39′ N. Long. by chronometer, 10° 33′.

Wednesday, Dec'r 3rd, 1862.—Commences with strong gales, with heavy squalls, attended with showers of rain. Vessel laboring hard and making a

deal of water. 8 a. m., rather more moderate. Set the foresail. 10 a. m., in foresail. Noon, increasing gale, with small rain at times. 2 p. m., sighted Sisargas Island, coast of Spain. Same time bore away for Corunna Harbor. 8 p. m., off Corunna Harbor. Rounded head to the westward and stood off and on all night. 7.

Thursday, December 4th, 1862 —Commences with fresh gales and cloudy. Standing off and on to Corunna Harbor. Wind SW. 7 a. m., pilot came on board. 8, came to on the best bower, with 35 fathoms chain. Noon, fresh gales and clear. Received 3 flats with coal alongside: 2 of 20 tons, and 1 of 10 tons. 7 p. m., coal all on board. 8 p. m., fresh gale and clear. Midnight, do. wind and weather.

Friday, Dec'r 5th, 1862.—Commences with strong gales, attended with showers of rain. Wind S.SW. Noon, heavy gale. Let go small
33 bower; payed to 10 fathoms on each chain. People employed cleaning and repairing about the bulwarks. Wind do. Midnight, do. wind and weather. Wind south.

Saturday, Dec'r 6th, 1862.—Commences with strong gales from the S. west, with alternate showers of rain. Noon, do wind and weather. People employed about several necessary duties. Midnight, more moderate and clear. Wind SW.

Sunday, Dec'r 7th, 1862.—Commences with strong winds from the southward, and clear weather. 4 a. m., moderate and clear. 7 a. m., hove up small bower and shortened into 7 fathoms on the best bower. 9 a. m., pilot came on board. 9.30, weighed anchor and proceeded. 10 a. m., Hercules Tower bearing by compass S.SE., dist. 2 miles. Wind SW.; force 5. Noon, freshening breeze. Sisargas Islands bearing by compass south, dist. 1½. 3 p. m., Cape Villano bearing by compass SE., 4 miles. 4 p. m., strong breeze and cloudy. 5.30 p. m., Cape Finisterre light bearing by compass east, distant 7 or 8 miles. Wind S.SW.; force 5. 8 p. m., steady breeze and clear. Midnight, do. wind and weather; force 4.

Monday, Dec'r 8th, 1862.—Commences with a strong breeze and clear weather. Wind do. 4 a. m, do. wind and weather. 8, do. Noon,
34 calms and variable light airs. 4 p. m., light airs from the NW. Wind NW. 8 do., do. wind and hazy. Midnight, steady breeze and clear. Set the fore and aft canvass. Wind N.NW. Lat. by account, 40° 11′ N.; lat. observed, 40° 19′ N.; long. by account, 9° 22′; long. by chronometer, 9° 23′.

Tuesday, Dec'r 9th, 1862 —Commences with light airs from the northward and cloudy. 4 a. m, steady breeze with small rain. 8 a. m., steady breeze and cloudy. 11.45 a. m., a paddle float parted on the starboard side; stopped the engines until 3 p. m., when having been replaced, proceeded. Noon, steady breeze and cloudy, wind north. 4 p. m., do. 8 p. m., cloudy with small rain. Midnight, steady breeze with occasional showers. Lat. by account, 37° 36′ N. Lat. observed, 37° 26′ N. Long. by account, 12° 15′ W. Long. by chronometer 12° 5′ W. Wind N.NE.

Wednesday, Dec'r 10th, 1862.—Commences with a steady breeze and cloudy weather. 4 a. m., do., wind with small rain. 8 a. m, do., wind with fair weather. Noon, steady breeze with occasional showers of rain, wind
35 N.E. 8 p. m., light breeze with occasional small rain; in fore and aft canvass. Midnight, fresh breeze and cloudy; sighted the Island Porto Santo bearing S.SE, 12 or 14 miles. Lat. by account, 34° 35′ N. Lat. observed, 34° 47′ N. Long. by account, 15° 10′ W. Long. by chronometer, 15° 0′ W. Wind E.NE.

Thursday, Dec'r 11th, 1862.—Commences with a steady breeze and cloudy, the Island Porto Santo bearing S.SE., 12 or 14 miles. 3 a. m., thick foggy weather; slowed the engines. 4 a. m., sighted Madeira bearing SW., dist.

5 or 6 miles. 6.30 a. m., rounded island end of Madeira. 8.30 a. m., came to anchor in Funchal Roads; Loo Rock bearing N.NW., 2 cables' length. Noon, strong breeze and clear. People employed painting outside. Received 19 tons of coal. 8 p. m., strong breeze and cloudy. Midnight, do. weather.

Friday, Dec'r 12th, 1862.—Commences with strong breezes and cloudy weather. 8 a. m., fresh breeze and clear. Noon, light breeze and clear. Received coals. 6 p. m., do. weather. Finished coaling, having re-
36 ceived 106 tons Welsh coal. 8 p. m., hove short. At 9 steam up. 10 p. m., got the anchor and proceeded. 10.30 Funchal Town bearing NE, dist. 4 miles. Midnight, light wind and clear, vessel going full speed, wind E.NE.

Saturday, Dec'r 13th, 1862.—Commences with light winds and clear weather. 4 a. m., do. wind and weather. 5 a. m., steady breeze, set fore and aft canvass. Wind E.SE; force 2. Noon, steady breeze and clear, set the square-sail. 8 p. m., do. wind and weather. Midnight, do. Lat. by account, 31° 3′ N. Lat. observed, 31° 4′ N. Long. by account, 17° 34′ W. Long by chronometer, 17° 40′ W. Wind east; force 4.

Sunday, Dec'r 14th, 1862.—Commences with light winds and clear weather. Wind E.SE.; force 3. Noon, light breeze and clear; in all sail. 4 p. m., steady breeze, set fore and aft canvass, also square-sail. Midnight, fresh breeze with fine clear weather. Lat. by account, 28 degrees 10 minutes N. Lat. observed, 28 degrees 15 minutes N. Long. by account, 18 degrees 58 minutes W. Long by chronometer 19 degrees 6 minutes W. Wind east.

37 Monday, December 15th, 1862.—Begins with steady breezes and fine clear weather. 8 a. m., do. wind and weather. Noon, fresh breeze with fine weather. Coaling bunkers. 8 p. m., do wind and weather. Midnight, do. Lat. by account, 25 degrees 26 minutes N. Lat. observed 25 degrees 26 minutes N. Long. by account, 20 degrees 21 minutes W. Long. by chronometer 28 degrees 28 minutes west. Wind east; force 4.

Tuesday, Dec'r 16th, 1862.—Begins with light winds and clear weather, going full speed, with all possible sail set. 8 a. m., do. wind and weather. Noon, do. Coaling bunkers. Wind east; force 4. 4 p. m., light wind, in all sail. 8 p. m., steady breeze; set fore and aft canvass. Midnight, do. wind and weather. Lat. observed, 22 degrees 13 minutes N. Long. by chronometer, 22 degrees 22 minutes W. Wind E SE.

Wednesday, Dec'r 17th, 1862.—Begins with light winds and clear weather, going full speed, with fore and aft canvass set. 8 a. m., steady breeze and clear. Noon, do. weather; employed coaling bunkers. 8 p. m., steady breeze with thick hazy weather; slowed the engines. Midnight, do. weather; cast vessel's head to the NE. Lat. observed, 18 degrees 57 minutes N. Long. by chronometer, 24 degrees 39 minutes W. Wind SE.; force 4.

38 Thursday, Dec'r 18th, 1862.—Begins with strong breezes with thick foggy weather. 2 p. m., cast vessel's head to the SW. 4 a. m., cast vessel's head to the NE. 6 a. m., sighted Antonio Island, bearing by compass SE, dist. 12 or 14 miles. Noon, strong breeze and hazy. 30 p. m. came to in St. Vincent Roads with 15 fathoms on the small bower. 1.30 p. m., got a lighter alongside and commenced to coal. 5 p. m., second lighter alongside. Received in all to-day 264 bags. Midnight, strong breezes and hazy. Wind E.NE.; force 5.

Friday, Dec'r 19th, 1862.—Commences with strong gales and cloudy weather. 8 a. m, do. weather. Noon, strong gales and hazy weather; taking in coal. 4 p. m., finished coaling, having received in all 101 tons Welsh coal. 4.30 p. m., hove up best bower, got steam up, weighed small bower and proceeded. 6 p. m., fresh gales and cloudy, set the square sail.
7, St. Vincent Island bearing SE., distant 10 or 12 miles. Midnight, fresh

gales and cloudy, vessel laboring and making considerable quantity of water; pumps attended. Wind east; force 7.

39 Saturday, Dec'r 20th, 1862.—Begins with fresh gales and cloudy, with a strong sea from the E.NE; vessel laboring hard and making a considerable quantity of water; pumps kept constantly going. Noon, do. wind and weather. Lat. by obs., 16 degrees 12 minutes N. Long. acc't, 27 degrees 18 minutes W. 4 p. m. do. wind and weather. 8 do. Midnight, fresh gales and cloudy, pumps strictly attended to. Lat. by account 15 degrees 52 minutes N Lat. observed, 16 degrees 12 minutes N. Long. by account, 28 degrees 53 minutes W. Wind east; force 7.

Sunday, December 21st, 1862.—Begins with strong breezes with clear weather, a strong sea from the NE.; vessel still making a considerable quantity of water. 8 a. m., more moderate, sea much fallen down. Noon, steady breeze and cloudy. Lat. by obs. 15 degrees 10 minutes N. Long. by acc't, 30 degrees 18 minutes west. Coaling bunkers. 4 p. m, do. wind and weather, vessel making a deal less water. 8 p. m, do. Midnight, steady breeze and clear. Lat. by account, 15 degrees 1 minute N. Long. by account, 31 degrees 44 minutes W. Wind E. b. N.; force 5.

Monday, Dec'r 22nd, 1862.—Begins with steady breeze with fine clear weather, vessel making considerable less water, all possible sail set.

40 8 a. m., do. wind and weather. Noon, strong wind, with clear weather. Lat. by obs. 14 degrees 31 minutes N. 4 p. m., do. wind and weather. 8 do. Midnight, strong breeze and cloudy. Lat. by account, 14 degrees 35 minutes N. Lat. observed, 14 degrees 31 minutes N. Long. by account, 34 degrees 42 minutes W. Long. by chronometer, 4 p m., 33 degrees 30 minutes W. Wind east; force 4.

Tuesday, Dec'r 23rd, 1862.—Begins with steady easterly winds and calm weather. 8 a. m, do. weather. Noon, do. Lat. by obs. 14 degrees 12 minutes N. Coaled the bunkers. 8 p. m., steady breeze and cloudy. Midnight, do. wind and weather. Lat. by account, 14 degrees 16 minutes N. Lat. observed, 14 degrees 12 minutes N. Long by account, 38 degrees 2 minutes W. Long. by chronometer, 38 degrees 1 minute W. Wind east; force 4.

Wednesday, Dec'r 24th, 1862.—Begins with a steady breeze and cloudy, going with all possible sail set. 8 a. m., do. weather. Noon, do. wind and weather. Lat. by obs., 14 degrees 23 minutes N. Long. by acc't, 40 degrees 17 minutes W. 8 p. m., increasing breeze and cloudy. Midnight, fresh gales and clear. Lat. by account, 14 degrees 21 minutes N. Long. by account, 41 degrees 17 minutes W. Long. by chronometer, 41 degrees 22 minutes W. Wind E.b S.; force 4.

41 Thursday, Dec'r 25th, 1862.—Begins with steady breezes and clear weather. 8 a. m., do. wind and weather. Noon, steady breeze with fine clear weather. Coaling bunkers. 8 p. m., do. wind and weather. Midnight, strong breeze and clear. Lat. by account, 14 degrees 2 minutes N. Lat. observed, 14 degrees 3 minutes N. Long by account, 44 degrees 37 minutes W. Long. by chronometer, 4 p. m., 43 degrees 32 minutes W. Wind E SE; force 4.

Friday, Dec'r 26th, 1862.—Commences with strong breezes and clear weather, all possible sail set. 8 a. m., steady breeze with pleasant weather. Noon, do., coaled the bunkers. 8 p. m., strong breeze and cloudy. Midnight, steady breeze and clear. Lat. by account, 14 degrees 2 minutes N. Lat. observed, 14 degrees 3 minutes N. Long. by account, 47 degrees 57 minutes W. Long. by chronometer, 4 p. m, 46 degrees 54 minutes W. Wind E.SE.; force 5.

Saturday, Dec'r 27th, 1862.—Begins with a steady breeze and clear weather. Noon, fresh breeze and cloudy. 8 p m., light breeze with a thick cloudy sky. Lat. by account, 13 degrees 43 minutes N. Lat. observed, 13 degrees 45

minutes N. Long. by account, 51 degrees 13 minutes W. Long. by chronometer, 4 p. m., 50 degrees 20 minutes W Wind E.SE.; force 4.

42 Sunday, Dec. 28th, 1862.—Begins with steady breezes and cloudy weather. 8 a. m., steady breeze with pleasant weather. Noon do; lat. observed, 13° 24′ N. 4 p. m., steady breeze and clear. 8 p. m., light wind. In all sail. Midnight, light wind and cloudy. Lat. by account, 13° 22′ N. Lat. observed, 13° 21′ N. Long. by account, 54° 59′ W. Long. by chronometer, 4 p. m., 54° W. Wind east; force variable.

Monday, Dec. 29th, 1862.—Begins with light, variable winds, with pleasant weather. Force 2. 8 a. m., freshening breeze. Force 3. Noon, strong breeze and clear. Lat. obs., 13° 7′ N. Force 4 4 p. m., steady breeze and cloudy. Force 3. 10 p. m., sighted Barbadoes Island. Midnight, came to anchor in Bridgetown Roads, with 30 fathoms small bower. Wind E.NE; force 2.

Tuesday, Dec'r 30th, 1862.—Begins with light winds and pleasant weather. 11 a. m. received coal lighter, containing 15 tons; the same discharged at 1.30 p. m. Noon, strong breezes and fine. 2 p. m., received lighter No. 2, containing 15 tons; the same discharged at 5.15 p. m. 5 p. m. hove short, steam up. 5.30, weighed the anchor and proceeded. 6 p. m., Bridgetown North Point bearing by compass E. b. S., dist. 11 miles. 6.30 p. m., set fore and aft canvass. Midnight, steady breeze and cloudy. Lat. by account, 13° 48′ N. Long. by account, 60° 22′ W. Wind E b. S.; force 4.

43 Wednesday, Dec'r 31, 1862.—Commences with fresh breezes and cloudy weather. Wind E.SE. 4 do. wind and weather. Wind east. Noon, strong wind and clear. Lat. observed 17° N. Wind E.NE. 4 p. m., do. wind and weather. 8 p. m., Guadoloupe Island bearing E.SE. by compass dist. 10 or 11 miles. Wind E.NE. Midnight, strong and clear. Wind east.

Thursday, January 1st, 1863.—Commences with strong breezes and clear weather. 2.30, St. Kitt's Island bearing E.NE., dist. 7 or 8 miles. Set the square sail. 8 a. m., light winds and clear. 9.15 a. m., a paddle float, starboard side, parted in two. Stopped the engine until 10 a. m., when, it having been dismounted, proceeded. Noon, light breeze and clear. Santa Cruz Island at 1 p. m., bearing W.SW., dist. 22 to 25 miles. 4 p. m., steady breeze and clear. 5 p. m., St. Thomas Island bearing N.W. ½ W., dist. 14 miles. 6.45 p. m., came to in St. Thomas Roadstead, with 20 fathoms on the small bower, 5½ fathoms of water. Midnight, calm and clear.

Friday, January 2d, 1863.—These 24 hours light wind and pleasant weather. People employed painting and cleaning outside. Wind E.NE.; force 2.

44 Saturday, January 3d, 1863.—These 24 hours, light winds with pleasant weather throughout. People employed scraping and painting, and other necessary duties.

Sunday, January 4th, 1863.—These 24 hours light winds with pleasant weather throughout. No duty done. John White, A. B., negligent of duty in not keeping anchor-watch on the night of the 4th. Wind E. SE.; force 2.

Monday, January 5th, 1863.—Begins with steady breeze and cloudy weather. 5 a. m., weighed the anchor and proceeded to coal wharf. Received 80 tons coal. Noon, hauled off from coal wharf. Crew refused to proceed with the vessel until surveyed. At 3 p. m., a survey held and ordered to get repairs done to port side. Latter part, light winds and fine. Wind E.NE.; force 3.

Tuesday, January 6th, 1863.—These 24 hours steady breezes with clear weather throughout. Workmen from the shore at work at outside. People employed cleaning ship. Wind east; force 3.

Wednesday, January 7th, 1863.—Begins with steady breezes with fine

weather. Workmen from the shore employed. People employed painting and cleaning. Latter part squally, with showers of rain. Wind E.SE.; force 4.

45 Thursday, January 8th, 1863.—These 24 hours steady breeze, with occasional heavy showers of rain. People employed variously; workmen repairing. Wind E.SE.; force 3.

Friday, January 9th, 1863.—Commences with fresh breeze and clear. Middle and latter parts cloudy, with occasional showers of rain. People employed painting outside; workmen repairing. Wind east; force 4.

Saturday, January 10th, 1863.—Commences with steady breezes and clear weather. Noon, repairing to plates finished. Latter part, light winds, with occasional showers. People employed variously. Wind SE; force 2.

Sunday, January 11th, 1863.—Commences with steady breezes and clear weather. Middle and latter part, light breeze and cloudy. Wind SE.; force 3.

Monday, January 12th, 1863.—Begins with strong breezes and clear weather. Middle, light and clear. Latter part, strong squalls with heavy showers of rain. Joseph Caraghan, A. B., off duty, sick.

Tuesday, January 13th, 1863.—Begins with strong gales, attended with occasional showers of rain. Middle and latter parts do. wind and weather. Employed variously about the decks.

46 Wednesday, January 14th, 1863.—Commences with fresh gales, attended with strong squalls, with rain. Wind NE.; force 5. 4 a. m. payed to 8 fathoms on the small bower. 9.30 a. m., steam up. Hove short. 10, weighed the anchor and proceeded. 11.30 a. m., St. Thomas Town, bearing NE., true distance 5 miles. Noon, Sail Rock bearing W. b. N. ½ N. 7 miles, Wind SW. b. W. This log contains 12 hours and ends at noon to commence the sea log.

Wednesday, January 14th, 1863.—Noon, squally, with heavy showers of rain. Wind NE; force 6. 3 p. m., set fore and aft canvass. 4 p. m, do. Viegues Island, West Point, bearing by compass NW., dist. 5 miles. 5.15 p. m., abreast of Porto Rico, E. Point. 8 p. m., steady breeze and clear. Force 4. Midnight, light breeze and clear. Wind NE.; force 2.

Thursday, 15th January, 1863.—Commences with fresh breezes and clear weather. Wind N E.; force 4. 3.10 a. m., Port Rico, SW. end, bearing by compass N.NE., distant 8 miles. Wind N.NE.; force 5. 8 a. m., fresh gales and clear. Mona Island bearing by compass W.SW., distant three miles. Same time bore away to go under Hayti; sea running heavy. Wind NE.; force 6. Noon, fresh gale and cloudy; Saona Island bearing NE., distant 7 miles. 8 p. m. do. wind and weather. Midnight, fresh gale and cloudy.

47 Friday, January 16th, 1863.—Commences with fresh gales and cloudy weather. 8 a. m., Beat's point bearing. Noon, fresh gale and cloudy. Lat. by obs. 17 degrees 54 minutes N. 8 p. m., steady breeze and hazy. p. m., De Vache Island E. ½ N. by compass 5 miles. Midnight do. wind and weather. Cape Tiburon NE. by compass, 12 miles. Lat. by account, 18 degrees 10 minutes N. Long. by account, 74 degrees 25 minutes W. Wind W. by. N. ½ N.

Saturday, January 17th, 1863.—Begins with light winds and clear weather. Wind NE. 8 a. m., fresh breeze and clear. Wind N. b. E. Noon, strong breeze and clear. Lat. by obs., 19 degrees 7 minutes N. Wind N. by E. 4 p. m., strong breeze and clear. 9.30 p. m., fresh breeze and cloudy, Cape Masyi; light bearing W.SW. by compass, five miles dist. Wind NE. Midnight, fresh and cloudy; set all sail. Lat. by account, 20 degrees 50 minutes N. Long. by account, 74 degrees, 35 minutes W.

Sunday, January 18th, 1863.—Commences with fresh breezes and clear weather. 10 p. m., strong squalls, with heavy rain. 11.30 Lucretia Point

bearing by compass S.SW., 5 miles. Lat. 21 degrees 16 minutes N. Long. 74 degrees 35 minutes W. 8 p. m., fresh gale, with rain. Midnight, strong gale, with heavy rain.

48 Monday, January 19th, 1863.—Commences with strong gales, with heavy showers of rain. 1 a. m., Matanilla light bearing west 7 miles. 10.15, Lobos Kay bearing west, dist. 12 miles. Noon, fresh and clear; Lat. 22 degrees 35 minutes N. 6 p. m., came to with the best bower in $3\frac{1}{4}$ fathoms water. Midnight, light wind and cloudy.

Tuesday, January 20th, 1863.—Commences with fresh breezes and clear weather. 6 a. m., steady breeze and clear; weighed the anchor and proceeded. 8 a. m., came to, having been fired at by the "Tioga," American sloop of war, and boarded us at the same time.

Formula.

0. Calm.
1. Light airs.
2. Light breeze.
3. Smart breeze.
4. Fresh breeze.
5. Strong breeze.
6. Moderate gale.
7. Fresh gale.
8. Strong gale.
9. Whole gale.
⊕ Storm or hurricane.

49 *Depositions taken in preparatorio.*

District court of the United States for the southern district of Florida.

THE UNITED STATES
vs.
THE STEAMER PEARL AND CARGO. } Prize.

Deposition of Charles Nelson, seaman, before Cornelius Curtis, prize commissioner, at Key West, 24th January, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is Charles Nelson; that he was born in Norway; that he has lived for the last seven years in Scotland and England; that he owes allegiance to the British crown; that he is not married.

2nd interrogate. To the second interrogatory the deponent answers that he was present at the capture of the vessel concerning which he is now examined.

3rd interrogate. To the third interrogatory the deponent answers that said seizure was made on the 20th day of January, in the year 1863; that no land was in sight at the time, and he cannot tell where said vessel was captured; that said captured vessel was distant from her port of destination some sixty or seventy miles; that said port of destination was Nassau, N. P.; that said vessel was taken into the port of Key West, Florida; that he heard no reasons given why said vessel was taken.

50 4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under the British flag; that she had no other colors on board except the code of signals.

5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the capture was made by the United States steam gunboat Tioga; that no other ships were in sight at the time of the capture; that the captured vessel was a merchantman; that she belonged to a Mr. Wigg; that the capturing vessel was a ship-of-war and of the force of eight guns.

6th interrogate. To the sixth interrogatory the deponent answers that

said vessel would have first entered the port of Nassau, N. P., had she not been captured. That when the vessel reached Nassau the voyage was ended for which he and the crew shipped.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel captured was the Pearl. That the name of the master under which he shipped was Irvin. That the name of the person acting as master is Jolly. That the present master was appointed by Mr. Wigg, of Liverpool, and that he took possession in Cork, in November, in the year 1862. That said vessel was delivered to the present master by Mr. Lafone, an agent of said owner, Wigg. That he cannot tell the place of residence of the master, or of what country he is by birth, but should judge him to be a North or British American born, and that he is a citizen or subject of England.

51 8th interrogate. To the eighth interrogatory the deponent answers that said vessel was of the burthen of seventy-two tons. That twenty persons were on board, and belonged to said vessel's company at the time of capture. That there was also on board a Bahama pilot, who came on board the day before capture. That they are mostly Englishmen. That seventeen came on board at Glasgow and three at Cork. That those who came on board at Glasgow were shipped by a government shipping master in October, 1862, and the three who shipped in Cork were also shipped by a government shipper, and came on board in November, 1862. That the wages, per agreement, was four pounds sterling per month until arrival at Nassau, N. P., and there they were to be discharged before the proper authority, and were to receive ten pounds sterling to defray their expenses to the United Kingdom on being discharged in Nassau. That the advance paid before sailing was four pounds sterling, and the wives of the married men were to draw one month's more pay ten days after sailing from Cork. That said agreement was final.

9th interrogate. To the 9th interrogatory the deponent answers that he belonged to the ship's company at the time of capture, and was rated as a seaman on board. That neither himself or any of said ship's company had any interest in vessel or cargo at the time of capture.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some two years; that he first saw her on
52 the Clyde in the year 1860. That she was built on the river Clyde, in Scotland. That her name was called the Pearl, and was always so called.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel draws some six feet of water when fully laden, and that she drew when captured some four feet of water.

12th interrogate. To the twelfth interrogatory the deponent answers that he cannot tell whether said vessel had a passport or no. That she sailed as a passenger boat on the Clyde previous to capture. That said vessel had as cargo at the time of the capture ten bales of seamen's cloth jackets. That no cargo has been delivered at any port since leaving Glasgow, Scotland. That said vessel sailed from Glasgow in October, from Cork in November, from Corunna, Spain, Madeira, St. Vincent, and Barbadoes in December, 1862, and St. Thomas on the first day of January, in the year 1863, previous to the capture, as the last clearing port.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had no lading when she first set sail on her last voyage; that said vessel took in as lading in Cork, Ireland, ten bales containing seamen's pea jackets, and that she had the same on board when taken; that the same were put on board in the month of November, in the year 1862; that he cannot tell the quantity of said captured cargo, only as ten bales pea-jackets.

14th interrogate. To the fourteenth interrogatory the deponent an-
53 swers that he believes Mr Wigg was the owner of the vessel at the time of seizure. That said Wigg bought said vessel in Glasgow, and was to be in Nassau, N. P., to meet the vessel on her arrival there. That said Wigg is an Englishman, as he believes. That he knows not where he resides. That said Wigg bought vessel in September, 1862, of Mr. Henderson, the ship-builder on the Clyde, at Renfrew, some four miles below Glasgow.

15th interrogate. To the fifteenth interrogatory the deponent answers that he has no knowledge of any bill of sale concerning said captured vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that said vessel had on board as cargo when she set sail from Cork ten bales of seamen's clothing; that the same was put on board in November, in the year 1862. That he has no knowledge of the laders or owners of said goods, neither where they were to be delivered; neither does he know to whom they would belong when they were discharged at their destined port.

17th interrogate. To the seventeenth interrogatory the deponent answers that he has no knowledge of any bills of lading being signed for said goods on board the captured vessel.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has no knowledge of any writings relative to said captured vessel or cargo save the shipping articles.

54 19th interrogate. To the nineteenth interrogatory the deponent answers that said vessel was seized on the Bahama Banks, about eight o'clock of Tuesday, the twentieth day of January, in the year eighteen hundred and sixty-three. That he knows of no agreement of freight for said goods.

20th interrogate. To the twentieth interrogatory the deponent answers that he has no knowledge of said vessel's papers. That he saw no papers or writings destroyed on board said vessel at any time.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew that the naval forces of the United States were blockading the coast. That he obtained such information from hearsay, and at various times.

22d interrogate. To the twenty-second interrogatory the deponent answers that he believes no English ports are blockaded by the order of any government, and said vessel sailed from and was bound for an English port. That no notice was given to said vessel on her voyage of said blockade. That no writing or endorsement was made on said vessel's papers, as he believes. That while said vessel was in Cork many people came down to see the vessel that was going to America on the service of the Confederacy. That he was informed there that she was a Confederate vessel. That he was inclined to remain in Cork and go no further in the vessel, but having no money, and vessels scarce, he ventured, as better than nothing.

55 23d interrogate. To the twenty third interrogatory the deponent answers that he was not aware of any papers being examined or endorsed by any United States officer on the voyage of capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that said vessel never run the blockade of any American port, as he believes.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that said vessel has never been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture, unless he loses his pay; and if so, then he loses all.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he knows not if said vessel be insured or not.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he knows not to whom said ten bales of clothes would belong in case they were unladen at their destined port.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that he believes said garments composing said cargo were manufactured in England; that they were laden in Cork, Ireland.

30th interrogate. To the thirtieth interrogatory the deponent an-
56 swers that said ten bales of goods, the cargo of said captured steamer, were taken on board from a schooner, while said steamer was lying at the quay in Cork, in the month of November, 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers that he does not if there be any other papers concerning said vessel and cargo; that he knows of no license for said captured vessel.

32nd interrogate. To the thirty-second interrogatory the deponent answers that he saw no papers delivered out of said vessel by any one or to any one.

33rd interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage of capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that no passengers were on board said vessel at the time of capture; that one passenger, a Scotsman, a Mr. McGowan, embarked in said vessel at Cork, and after being at sea for thirty-six hours the vessel put back again into Cork, and the passenger, McGowan, an engineer, disembarked.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that he cannot say whether said vessel's papers be true or false; that he has no knowledge as to how or where said papers were obtained.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by the Nassau pilot from aloft on board the captured vessel, at about seven o'clock of the 20th of January, 1863; that he does not know what course was being steered at that
57 time; that the course was not altered on seeing the capturing vessel; that it was nearly calm at that time; that he cannot state the latitude or longitude; that the course steered for Nassau from Cork was a most roundabout one; that the course steered for this route he supposes was to obtain coals and a winter navigation; that on Monday morning, January 19th, at about nine o'clock, said captured vessel being near a light-house on an island, took a Bahama pilot from a wrecker and proceeded toward Nassau at the rate of seven miles an hour, and at six o'clock p. m. came to an anchor and remained so until morning, when they again got under way and was proceeding to Nassau when they were stopped by the capturing vessel aforesaid; that a log-book was kept by the mate and he believes by the engineer also; that he cannot say to what time it was written up previous to the seizure; that the United States ship "Mohican" was seen in St. Vincent in December, 1862, and the "Alabama" in January, 1863, at St. Thomas.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that said vessel was sold in Glasgow in the month of September, 1863, by Mr. Henderson, the builder, to Mr. Wigg; that he has no knowledge of the sum paid for said vessel; that he believes the transfer truly made, and if restored she will belong to Mr Wigg and no other.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on board said captured vessel; that no
58 military or naval stores were on board said vessel; that no arms or ammunition were on board; that no naval or military stores were on board save the ten bales of seamen's jackets, as he believes.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that, being in Renfrew early in September, 1862, at the yard of the builder

of the Pearl, and owner also, he saw Mr. Wigg and a Captain Maxteth negotiating for the said vessel; said Maxteth appeared to have all to say in the matter of purchasing; that they went to Glasgow for the stores of the said vessel, and there Capt. Maxteth had the control apparently; said Maxteth was said to be a Pennsylvania Dutchman—a fine looking man; that from these movements, and the purchase of other vessels by and with said Maxteth, and the character of said vessels, their small size, their light draft of water, the shipping agreement, and the various remarks and conversation, he did, and has, come to the conclusion that this and other like vessels which he knows were bought with the purpose and intention of being used on this side of the water; and, as an old seaman, he has no doubt but that the smooth waters of the Southern ports were to be navigated by the "Pearl," and others of her class, and that the Confederate ports and people were to enjoy the benefit of the trade; and further deponent saith not.

40th interrogatory. To the fortieth interrogatory the deponent answers that said vessel did never to his knowledge sail under convoy.

59 41st interrogate. To the forty-first interrogatory the deponent answers that said vessel did never, as he believes, sail into a blockaded port.

42d interrogate. To the forty-second interrogatory the deponent answers that said vessel did never, as he believes, sail carrying a commission as a privateer or letter of marque.

43d interrogate. To the forty-third interrogatory the deponent answers that said vessel did never sail or act in concert with any armed vessel in pursuing or seizing the property or persons of loyal citizens of the United States

(S'd) CHARLES NELSON.

Sworn and subscribed before me, in Key West, this twenty-fourth day of January, in the year eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

Deposition of John Buchanan, fireman, before Cornelius Curtis, prize commissioner at Key West, 26th January, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is John Buchanan; that he was born in Glasgow; that he has lived for the last seven years in Glasgow, and now lives there; that he is a subject of Great Britain and owes allegiance thereto; that he is not a married man.

60 2d interrogate. To the second interrogatory the deponent answers that he was present at the taking of the vessel concerning which he is now examined.

3rd interrogate. To the third interrogatory the deponent answers that said seizure was made on the twentieth day of January, in the year eighteen hundred and sixty-three, on pilotage waters, approaching Nassau, N. P., and was taken into the port of Key West, Florida; that said vessel captured had no commission or letters authorizing her to make prizes; that she knows not why she was made a prize.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under the English colors; that he saw no other colors on board said vessel.

5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of capture; that three guns were fired by the Tioga, the capturing vessel; that the capture was made by the United

State steamship "Tioga;" that no other ships were in sight at the time of the capture; that the captured vessel was a merchantman; that he believes said vessel was owned in Liverpool and Nassau, by two brothers, whose names he does not know; that the capturing vessel was an armed vessel of the United States and carried six guns.

6th interrogate. To the sixth interrogatory the deponent answers that said vessel would have first entered the port of Nassau had she not been seized; that as he shipped only to go to Nassau, and there be dis-
61 charged, he knows not what would have been her second or third port of entry had she not been seized.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel captured was the "Pearl," and that of her master was Irvin, when she first took her departure from Glasgow, and the name of the master when the said vessel was seized was Wm. Jolly; that said master was appointed in Liverpool by one of the owners, as he believes; that he has known the vessel some three years, and that he has known the master some three months; that an agent of the owners delivered the said steamer to Capt. Jolly, in Cork Harbor; that he knows not the residence or birth of said master; that he believes him to be a subject of England.

8th interrogate. To the eighth interrogatory the deponent answers that the vessel's tonnage was about seventy tons; that twenty persons comprised the ship's company at the time of capture; that one pilot was on board also at that time; that they are Englishmen; that fifteen of said ship's company came on board in Glasgow, in October, 1862; and five came on board in Cork, Ireland, in the month of November, in the year 1862; that the ship's company were shipped in Glasgow by a Capt. Macstead at the government shipping office; that while in Cork three of said vessel's company left, and the five who joined there were shipped by Capt. Jolly at a government shipping office; that the terms of the agreement was four pounds
62 sterling per month for the firemen, which were the usual wages of the port, and on being discharged at Nassau, ten pounds sterling was to be paid to the seamen and firemen; that the above agreement was final as to the firemen and seamen; that the chief engineer made some written agreement other than expressed in the articles before signing said articles; that further he knows not.

9th interrogate. To the 9th interrogatory the deponent answers that he belonged to the company of the vessel at the time of the capture, and was a firemen thereof; that he had no interest in vessel or cargo, and that he does not know that any one of said vessel's company had any interest in said captured property.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said captured vessel some three years; that he first saw her in Glasgow in 1860; that her name was always called the "Pearl;" that she was built upon the Clyde, at Renfrew.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel draws when fully laden six feet of water; and when taken she drew four feet.

12th interrogate. To the twelfth interrogatory deponent answers that he does not know whether said vessel had a passport or not; that said vessel was running upon the Clyde from Glasgow to Rothsay previous to the voyage of capture, as a passenger boat; that said vessel sailed from
63 the port of Glasgow in October of the year 1862, for Nassau, N. P., via Cork, in Ireland; Corunna, Spain; Funchal, Madeira; St. Vincent, West Indies; Budgeton, Barbadoes, and from St. Thomas, in January, 1863.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had no lading on board at the time of her first setting out on her last voyage; that she had as lading at the time of her capture ten bales of woolen goods and jackets, as he believes; that the same was taken on board in the month of October, in the year 1862; that he can only say that said cargo was composed of cloth and monkey jackets.

14th interrogate. To the fourteenth interrogatory deponent answers that he believes the owners were the same at the time of seizure as when said vessel sailed, tho' he has no means of knowing who owned said vessel at the time of capture; that in Glasgow Capt. Macksted seemed to have all to say as to the vessel's fittings and repairs, and also the fixing the terms of agreement for wages, and it was thought he was the owner, and perhaps he might be owner; he thinks said Macksted was an American by birth; that said Macksted resided while said vessel was repairing and fitting out, at a hotel in Glasgow; that said vessel was sold in September to whatever person did own at the sailing or now owns said vessel; that Mr. James Henderson sold said captured vessel in September, 1862.

15th interrogate. To the fifteenth interrogatory deponent answers
64 that he has no knowledge of a bill of sale of said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that the lading found on board said vessel at the time of her capture was first put on board at Cork, in the month of October, in the year 1862, as he believes; that he does not know who owned or shipped said cargo; that said cargo comprised ten bales of cloths and monkey jackets for seamen; that he cannot tell the number of jackets or the quantity of cloth.

17th interrogate. To the seventeenth interrogatory the deponent answers that he does not know how many bills of lading were signed for said captured cargo; that he knows nothing of the freight for said goods and lading.

18th interrogate. To the eighteenth interrogatory the deponent answers that he does not know of any papers concerning said vessel or cargo, except the shipping articles, which he signed by making his cross thereupon.

19th interrogate. To the nineteenth interrogatory the deponent answers that he cannot state the position of said vessel at the time of capture; that said capture was made about eight o'clock of the twentieth day of January, in the year 1863, some five or six miles from one of the Bamaha Islands; that he knows of no charter-party.

20th interrogate. To the twentieth interrogatory deponent an-
65 swers that he has no knowledge of said vessel's papers; that he saw no papers burned or destroyed on board said ship.

21st interrogate. To the twenty first interrogatory deponent answers that he had knowledge, and believes all on board had knowledge, of the blockade of the ports of the Southern States by the naval forces of the United States; that such information was sown broadcast all over Britain, and was patent to chick and child therein.

22nd interrogate. To the twenty-second interrogatory deponent answers that the port from which said vessel sailed, neither the port to which she was bound, was under an order of blockade by the government of the United States at the time she sailed on the voyage on which she was captured; that he has no knowledge of any papers having been examined or endorsed on board said captured vessel; that before sailing, and on the voyage, conversation was had, both by those concerned with her on shore, and those on board, of her probable destination after reaching her destined port, Nassau, and the general impression was that said vessel was to be used as a blockade runner into the ports of the South; that it was fully decided by

the crew and firemen forward that they should not embark in her again, as they have served too long in her already.

23d interrogate. To the twenty-third interrogatory deponent answers that no officers of the United States examined or endorsed said vessel's papers, as he believes, before capture.

66 24th interrogate. To the twenty-fourth interrogatory deponent answers that said vessel never attempted to run the blockade.

25th interrogate. To the twenty-fifth interrogatory deponent answers that said vessel has never been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory deponent answers that as yet he has sustained no loss by this capture; that he has been promised no indemnity or recompense for this capture or detention.

27th interrogate. To the twenty-seventh interrogatory deponent answers that he cannot say whether said vessel or cargo is insured or not.

28th interrogate. To the twenty-eighth interrogatory deponent answers that he cannot say to whom said cargo would belong in case it had been unladen at its destined port.

29th interrogate. To the twenty-ninth interrogatory deponent answers that he cannot tell where the cloth or jackets were manufactured; that they were laden in Cork, Ireland.

30th interrogate. To the thirtieth interrogatory deponent answers that he cannot tell from whence said cargo was laden, whether from ship or shore; that it was done in Cork, in the month of October, in the year 1862.

67 31st interrogate. To the thirty-first interrogatory the deponent answers that he cannot say as to where said vessel's papers are, or of what nature, or what are their contents.

32nd interrogate. To the thirty-second interrogatory the deponent answers that he does not know that any papers were delivered out of said captured vessel, or if so, where they now are.

33d interrogate. To the thirty-third interrogatory deponent answers that bulk was not broken on the voyage of capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that one passenger embarked from Cork by the name of McGowen, an engineer, a Scotsman; that said vessel put back to Cork on account of bad weather, after being out two or three days, when said passenger disembarked; that he cannot tell to what port said passenger was destined, or upon what business; that he had authority on board; that he resided in Liverpool, he believes.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that he does not know as to the truth or falsity of said vessel's papers, never having seen any of said vessel's papers since leaving the port of Glasgow, where he signed the articles.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel about six o'clock a. m. of the twentieth day of January, 1863; that he has no knowledge of the courses steered; that the course of the vessel was

68 not changed after seeing the capturing vessel; that there was no wind at the time; that said vessel sailed or steamed from Glasgow to Nassau as directed by the master, according to his route, made necessary to have a smooth sea and to obtain fuel; that the twenty-four hours previous to the capture said vessel was steaming for twelve hours, and at an anchor for twelve hours; that the pilot came on board near a light-house on an island or reef from a wrecking vessel, and directed the course toward Nassau until anchoring at night, previous to the morning of capture; that he has no knowledge of a log-book being kept on

board; that an American gunboat was seen at St. Thomas in January, 1863, besides the capturing vessel.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that said vessel has been transferred but once by Mr. James Henderson, to certain parties not known to deponent, at Glasgow or Renfrew, in September, in the year 1862; that he cannot tell the sum for which said vessel was sold; that he believes said vessel was really sold, but to whom he cannot say; that he cannot say to whom said vessel would belong should she be restored.

38th interrogate. To the thirty-eighth interrogatory deponent answers that said vessel had no guns mounted on board; that said vessel had no arms or ammunition on board; that said vessel had no naval or military stores on board save the jackets aforesaid, which were put on board at Cork.

69 39th interrogate. To the thirty-ninth interrogatory the deponent answers that he fully believes said vessel was bound to Nassau; that tho' many said she was going to run the blockade, he cannot truly say whether she was to be engaged in that business or not.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under convoy.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel never run the blockade.

42nd interrogate. To the forty second interrogatory the deponent answers that said vessel never sailed under a commission or letters to act as a privateer or letter of marque.

43d interrogate. To the forty-third interrogatory the deponent answers that said vessel never acted in concert or sailed with any armed vessel for the purpose of cruising against or pursuing the vessels or property, and seizing thereof, of the loyal citizens of the United States.

(S'd) his JOHN ⋈ BUCHANAN. mark.

Subscribed and sworn before me, in Key West, this twenty-sixth day of January, eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

Deposition of John G. Richardson, second mate, before Cornelius Cur-
70 tis, prize commissioner, at Key West, 26th January, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is John G. Richardson; that he was born in Leeds, England; that his residence for the last seven years has been in the United States, as a mariner, both in the northern and southern States; that he now lives in Sunderland, England, and has lived there for the last year; that he is a subject of Great Britain, and owes allegiance to the United States; that he first came to the United States some six years ago, in 1857, at about the age of twenty years; that he is not a married man.

2nd interrogate. To the second interrogatory the deponent answers that he was present at the taking of the vessel concerning which he is now examined, and of her goods and lading.

3d interrogate. To the third interrogatory the deponent answers that said seizure was made on the twentieth day of January, in the year eighteen hundred and sixty-three, on the Bahama Banks, some seven miles from land; that said captured vessel was carried into the port of Key West; that said vessel had no letters authorizing her to make prizes; that she was seized for irregularity of papers.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under the English flag; that there were on board said vessel while in Glasgow a house flag to designate to what company
71 said vessel belonged, and also a Confederate flag, as well as a set of Marryatt's signals; the said flags were new, and were provided for the vessel's use in Glasgow, as a part of her fitting out; that the reasons said vessel had said or such other colors were, as explained to your deponent by the then master of said captured vessel, while said vessel was lying in Todd's dock in Glasgow, in October, 1862, after having been purchased by Geo. Wigg, as agent of the Confederate government, to be used while entering and within the Confederate port of Charleston, for which she was intended; that the said other new flags were exhibited to your deponent on the vessel's deck as aforesaid, by Captain Irvin, the then master, as belonging to said steamer "Pearl," and to accompany her, and to be used by her for the purpose aforesaid, in the enterprize aforesaid.

5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture. That three guns were fired by the capturing vessel. That the capture was made by the United States steamship "Tioga." That no vessels were in sight at the time of the capture. That the captured vessel was a merchantman. That said captured vessel belonged to a Mr. George Wigg, as agent or custodian for the so-called Confederate government. That the capturing vessel was a ship-of-war, and of the force of six guns.

6th interrogate. To the sixth interrogatory the deponent answers that the captured vessel would first have entered the port of Nassau, had she not been seized. That the second port said captured vessel would have
72 entered would have been Charleston, S. C., and the third Nassau, as he believes, said vessel being intended to run with supplies to the Confederate government between the two ports of Charleston and Nassau.

7th interrogate. To the seventh interrogatory the deponent answers that the name of said captured vessel was the "Pearl." That the name of the master of said vessel "Pearl" was in September, 1862, when deponent first joined said vessel, Maxstead. That the name of the master under which the crew shipped in Glasgow in October, 1862, was Irvin, and the name of the acting master, when said vessel sailed from Cork in November, 1862, was William Jolly. That Mr. Henry Layfown appointed said Jolly to the command in Cork. That he has known said vessel some five months, and Captain Jolly some three months. That the master Jolly took possession in Cork, Ireland, in November, 1862, and that Mr. Henry Layfown delivered the same to him. That the fixed place of abode of the master Jolly with his wife and family is Cornwallis street, Liverpool, England. That he knows not how long said master has lived there. That said Jolly was born in Halifax, Nova Scotia. That he is a subject of Great Britain.

8th interrogate. To the eighth interrogatory the deponent answers that said vessel is seventy-two tons burthen. That twenty persons comprised the vessel's company proper at the time of seizure, besides a Bahama pilot, making twenty-one actually on board said vessel at the time of cap-
73 ture. That the said vessel's company were English. That fifteen of said vessel's company joined her and came on board in Galsgow, Scotland, in the month of October, 1862, and five came on board in Cork Ireland, in November, 1862. That those of said ship's company who came on board in Glasgow were shipped or hired there by Captain Maxstead, under Captain Irvin, in the month of October, 1862, and those who joined in Cork were hired or shipped by one of the Mr. Wiggs, two (the first and second engineers) in Liverpool, and two (the two seamen) were hired or shipped in Cork by Captain Jolly, and that Captain Jolly was hired by Mr. Henry La-

fown, a person concerned as one of the principals in the enterprize. That the deponent was engaged at the rate of six pounds ten shillings per month from Glasgow to Nassau, and on being discharged in Nassau before the proper authority he was to receive ten pounds sterling to take him back to a port in the United Kingdom. That this agreement as far as he was concerned was final and absolute. That as to the other officers of said captured vessel, he understands and believes that they had an understanding to the effect that should they succeed in entering any Confederate port, they were to have a bonus of three months' pay, or a sum of money equivalent to three months' pay, as agreed upon the ship's articles; and in the event of their being taken by a Federal cruiser their expenses were to be paid until their arrival in England, and their monthly pay to continue as expressed
74 in the articles, and to be paid them on their return to a port in the United Kingdom. He further says that the foregoing arrangement or agreement is the usual one with vessels equipped in the English ports for the avowed purpose of running the blockade, and as the result of a successful or unsuccessful voyage to the Confederate ports of America.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of capture, and was second officer thereof. That he had no share or interest in said vessel, or of her goods and lading, nor does he know or believe any other of said vessel's company had any interest therein at the time the said vessel was captured and the goods seized.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some five months. That he first saw her in Renfrew, on the river Clyde, Scotland, in September, 1862. That she was built in Renfrew, Scotland. That her name was the "Pearl." That she was always so called, as he believes, and that he has never heard her called by any other name.

11th interrogate To the eleventh interrogatory the deponent answers that said captured vessel draws with a full cargo some six feet of water, and that she drew when captured some four feet of water. That he knows no reason why she was not more deeply laden.

12th interrogate. To the twelfth interrogatory the deponent an-
75 swers that he has no knowledge of said vessel having a passport or sea brief on board. That said vessel, as he believes, sailed on the river Clyde as a passenger boat before entering on this service. That he has no knowledge of the cargoes carried by said vessel, or at what ports said cargoes have been delivered. That said vessel sailed previous to her capture from the port of Glasgow, in the month of October, 1862, and from the ports of Cork in November, and Corunna, Spain; Funchal, Madeira; St. Vincent and Bridgetown, Barbadoes, all in December, 1862, and from the port of St. Thomas, Island of St. Thomas, her last clearing port, on the thirteenth day of January, 1863.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had no goods as lading when she first set out on this voyage of capture. That she had as lading when captured ten bales of woolen goods. That the same was put on board in the month of November, in the year 1862. That said bales contained monkey-jackets for seamen's use, and gray army blankets.

14th interrogate. To the fourteenth interrogatory the deponent answers that he believes the captured vessel was owned at the time of seizure by Mr. George Wigg, as representative of a certain company confederated together for special purposes. That said parties owned her at that time, he believes, for the reason that full and final arrangements were made for her ultimate business and destination after reaching Nassau, N. P., before

76 said vessel left England or Glasgow, and he has no knowledge of any other or different arrangements having been made since leaving Glasgow. That he believes said George Wigg to be an American by birth. That he resides in Liverpool, England. That he does not know if said Wigg has a family, or how long he has resided in Liverpool. That said vessel has been in possession of the present owners some four months, and that the purchase was made of Mr. James Henderson, ship-builder of Renfrew, Scotland, as he believes.

15th interrogate. To the fifteenth interrogatory the deponent answers that he has no knowledge of any bill of sale for said captured vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that said lading found on board of said vessel at the time of the capture was first put on board in the port of Cork, Ireland, in the month of November, and year eighteen hundred and sixty-two. That he does not know who were the laders or owners of said goods captured That the consignee is Messrs. Adderly & Co., Nassau, N. P. That he knows not what countryman said Adderly is. That he knows not at whose risk or benefit said goods were shipped. That they were to have been delivered at Nassau, N. P. That the said goods comprised ten bales of woolen goods of medium quality. That should said goods be restored and unladen at their destined port of Nassau he cannot say to whom they would belong, though he believes the company have interest therein.

77 17th interrogate. To the seventeenth interrogatory the deponent answers that he does not know how many, if any, bills of lading were signed for said goods so laden. That he does not know at what rate of freight said goods were to have been carried.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession, neither does he know that there was on board at the time of capture any papers to show the interest of any one as to the vessel or cargo. That he saw no papers delivered to any one from said captured vessel.

19th interrogate. To the nineteenth interrogatory the deponent answers that as he kept no reckoning he cannot state the degrees of latitude and longitude of said vessel when captured. That the time of capture was eight o'clock of the morning of the twentieth day of January, eighteen hundred and sixty-three. That there was no charter-party or other agreement concerning the voyage of capture to his knowledge or belief.

20th interrogate. To the twentieth interrogatory the deponent answers that he has no knowledge of what papers were on board said vessel at the time of seizure, or of departure from her last clearing port, before she was taken prize. That he saw no papers or other documents torn, burned, or destroyed in any manner on board said captured vessel.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew, and so did the master and manager know, that the ports
78 of the South were under blockade by the naval forces of the United States, and held by them; that such knowledge was obtained by reading in the public prints, and by general conversations, public and private, in Glasgow and Cork.

22d interrogate. To the twenty-second interrogatory the deponent answers that the port to which said vessel sailed, neither the port to which said vessel was bound, was under an order of blockade by the government of the United States, unless said port might be under such order after her sailing from Nassau. That no notice in writing, as he believes, had been endorsed upon any of said captured ship's papers. That before sailing on the present voyage in Glasgow, in October, 1862, conversation was had with Captain Irvin, who was then in command of said vessel, when presenting and exhib-

iting the private signal and the Confederate flag before mentioned; that said flags would fly upon said vessel's masthead in some Confederate port, safe from the Federal cruisers, and that Charleston, S. C., would be the port which they would probably grace. That conversation was had, also, on board during the voyage as to the qualities and capabilities of said vessel as a blockade-runner, in consequence of having very bad and boisterous weather, and rough and high seas in the Bay of Biscay, off the coast of Spain, which caused said vessel to strain and labor heavily. That the general conversation on the voyage when said vessel was spoken of, was that she was to be engaged on this side of the Atlantic in smooth water, and not to return to Europe; that the idea was prevalent that such waters would be the
79 tranquil and pleasant seas of the Confederacy and the British Antilles.

23d interrogate. To the twenty-third interrogatory the deponent answers that no register or other paper, as he believes, was examined or endorsed by any officer of the United States before capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that said vessel never to his knowledge attempted to run the blockade, with or without success.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that vessel never, as he believes, has been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture. That he will sustain loss should his wages not be paid him as per agreement of the articles. That he has not been promised any indemnity or satisfaction for any loss which he may sustain by this capture and detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he cannot tell whether said vessel or cargo be insured or not.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he cannot tell to whom said cargo would belong had it arrived and been unladen at its destined port.

80 29th interrogate. To the twenty-ninth interrogatory the deponent answers that he cannot say where said woollen goods were manufactured. That they were laden in Cork, Ireland.

30th interrogate. To the thirtieth interrogatory the deponent answers that said goods of cargo were laden on board said captured vessel from a lighter in Cork harbor, while said steamer was lying at the quay coaling, in the month of November, eighteen hundred and sixty-two.

31st interrogate. To the thirty-first interrogatory the deponent answers that he cannot tell if there be any other papers relating to said vessel or cargo than those which were found on board said vessel when captured, if any.

32d interrogate. To the thirty-second interrogatory the deponent answers that he saw no papers delivered out of said vessel, or carried away in any manner by any one.

33d interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage before capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that two passengers were on board said vessel on the voyage of capture, one a Mr. Samuel Underhill, an Englishman, an attorney by profession. That said Underhill had no commission from any one, as he believes. That said passenger came on board said vessel on the eighth day of October, in the year 1862, at Renfrew, on the Clyde, in Scotland. That said pas-
81 senger was destined for Nassau, but upon what business he does not know. That said passenger had no interest or authority in vessel or cargo. That the residence of said Underhill was Edinboro, Scotland. That

one other passenger was on board, whose name was McGowen, a Scotsman, whose business was that of an engineer-in-chief. That said McGowen had a commission, as he believes, which gave him authority to inspect the vessels sent by parties connected with the business of the blockade, such commission having been given him by the parties in interest, said selling parties guaranteeing to deliver said steam vessels in good running order at the time of delivery. That said McGowen was taken on board at Queenstown, about the fifteenth day of November, 1862. That he was finally destined to Nassau, N. P., for the purpose of the above inspection. That said passenger had authority to exercise inspection over the engineer department of said vessel, such inspection coming under his province as employee of the parties concerned. That the residence of said engineer was Liverpool.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that he does not know whether the papers of said vessel be true or false; that he has no knowledge of said vessel's papers, or where or how they were obtained; that he signed and receipted for the bills of stores for the vessel, on her voyage to Nassau, in Glasgow.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the cap-
82 tured vessel at about seven o'clock a. m. of the twentieth of January, 1863; that said captured vessel was steering about north-northeast at that time; that that course had been steered about half an hour; that he cannot state the precise position of said vessel at that time; that as near as he can state said vessel was about six miles from the nearest keys, they bearing about east-northeast from the ship, or from E.NE. to N.NE., the ship heading for the Washerwoman Channel. The said vessel was about eighty miles from her port of destination, Nassau. That the course was not changed on seeing the capturing vessel; that the wind was fresh at the east-northeast from the time the capturing vessel came in sight until the seizure; that the course of the vessel was at all times, when the weather would permit, such as to take her to her destined port, as shewn by the ship's papers; that the courses of the vessel were not altered at any time to any other port than that to which she was bound; that from Monday morning, the day previous to capture, said vessel was sailing from Maritana Light, on the northeast coast of Cuba, to Lobos Light, on the edge of the Bahama Bank; that on reaching the bank, and near the light-house, said steamer took a pilot from a Bahama wrecking vessel and proceeded across the bank to her port of destination, about a north-by-east course, until about six o'clock p. m., when they cast anchor and remained in six fathoms water until about one hour and a half of or before capture; that a log-book was kept on board by the first officer, and it was written up to the time of coming to an anchor,
83 as he believes; that an engineer's log was kept by Mr. Walker, chief engineer; that the United States war vessel "Mohican" was seen in St. Vincent in December, 1862, and the "Alabama" was seen in St. Thomas in January, 1863.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that said vessel was sold by James Henderson to George Wigg & Co., as supposed agents for parties in the Confederate States; that the sale or transfer took place in Glasgow on or about the middle of September, 1862; that he does not know, tho' he believes seven thousand pounds sterling was paid for said vessel; that he believes said transfer truly made; that he believes should said vessel be restored she would belong to George Wigg & Co., as agents for parties *for parties* concerned.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on said captured vessel; that no arms or ammu-

nition belonged to her; that no guns, weapons, or warlike instruments were on board of her; that no warlike or naval stores were on board said vessel, save and except the navy jackets and soldiers blankets in bales as cargo; that such jackets and blankets were put on board in Cork, Ireland, in the month of November, 1862.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that he knows that said vessel was sold by Mr. Henderson to Mr. Wigg, as agent for other parties; that she was fitted up and sailed from Glas-
84 gow for Nassau in October, 1862; that while on the voyage thither said vessel was captured; that he knows that he joined said vessel at the time of said transfer as superintendent of her general management on board; that Captain Maxstead engaged him for said management; that after being on board as such superintendent for a fortnight or more he, with the crew, were shipped by said Maxstead; he as second officer; that as such second officer, acting from the beginning of the voyage, he learned by his own observation and information the movements and future destination of the said steamer "Pearl," which was that she was to be placed in the business of the so-called Confederate States after she had reached her destined port of Nassau, N. P.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under the convoy of any ships-of-war or armed vessels.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel never entered a blockaded port.

42d interrogate. To the forty-second interrogatory the deponent answers that said vessel never sailed with letters or a commission to act as a privateer or letter of marque.

43d interrogate. To the forty-third interrogatory the deponent answers that said vessel never sailed or acted in concert with any armed ves-
85 sel for the purpose of cruising against or pursuing the property, vessels, or persons of loyal citizens of the United States.

(S'd) JOHN G. RICHARDSON.

Sworn and subscribed before me, in Key West, this twenty-seventh day of January, eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

Deposition of James Walker, first engineer, before Cornelius Curtis, prize commissioner, at Key West, 28th January, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is James Walker; that he was born in Nutlock, England; that he has lived for the last seven years in Liverpool, and that he now lives there with his wife; that he is a citizen of Great Britain and owes allegiance to her majesty Queen Victoria.

2d interrogate. To the second interrogatory the deponent answers that he was present at the taking the vessel concerning which he is now examined.

3d interrogate. To the third interrogatory the deponent answers that said capture was made on the twentieth day of January, in the year 1863, on the Great Bahama Bank, in about fifteen feet of water, and near the
86 Washerwoman Cut, about five miles from the keys; that said vessel was carried into the port of Key West; that said captured vessel had no authority to make prizes; that he heard no reason given for the capture.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under the British flag; that he does not know of any other colors being on board said vessel, except Marryatt's code of signals.

5th interrogate. To the fifth interrogatory the deponent answers that no

resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the capturing vessel was the United States war ship "Tioga;" that he saw no other ships in sight at the time of the capture; that the captured vessel was a merchantman; that said vessel belonged to Mr. Johnson, of Liverpool, as he believes; that the capturing vessel was a steam ship-of-war and carried six guns.

6th interrogate. To the sixth interrogatory the deponent answers that said vessel would have entered Nassau, N. P., as her first port had she not been seized; that he cannot say what her second or third port of entrance would have been; that he has no belief, or opinion, or knowledge in the matter of her future trade after reaching Nassau.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the captured vessel was the Pearl; that the name of the master was Jolly; that said Jolly was appointed to the command of said
87 vessel in Cork, in November, 1862, by a Mr. Lafown; that he has known the vessel about three months, and the master, Jolly, about the same time, or but about two months, as it was on the twenty-ninth day of November that the "Pearl" sailed from Queenstown the second time—the first time she sailed under a Captain Irvin; that said Jolly took possession of said steamer in Queenstown, but he cannot say who delivered said vessel to said Jolly; that he does not know where the said master, Jolly, resides, or whether he has a family, or of what nation or state he is a subject, or where he was born.

8th interrogate. To the eighth interrogatory the deponent answers that said vessel is of the burthen of seventy-two tons; that twenty persons comprised the ship's company when captured; that twenty-one persons were then actually on board, one being a Bahama pilot; that they are mostly citizens of England; that fifteen of said persons came on board at Glasgow, Scotland, in the month of October, and five came on board at Cork and Queenstown in November, 1862; that Captain Irvin shipped himself and the second engineer in Queenstown, in November, 1862; that he believes Captain Jolly shipped two seamen in Cork, in November, 1862, and he cannot say but he supposes the fifteen others were shipped in Glasgow by Captain Irvin in October; that the terms of his shipping agreement was fifteen pounds sterling per month, and on reaching Nassau to have ten pounds sterling additional, and be discharged there; that said agreement was absolute
88 and unconditional.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of the capture, and was first engineer on board; that he had no share, part, or interest in said vessel or cargo at the time of capture; that he knows of no other person on board having such share or interest therein.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some three months; that he first saw her in Queenstown, Ireland, about the first of November in the year 1862; that said vessel was Scottish built; that her name was the "Pearl," and he has known her only by that name.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel draws when with a full cargo about six feet of water, and that she drew when captured some five feet of water; that said vessel was not laden with cargo for the reason that her room was required for coal to enable her to make a passage from port to port.

12th interrogate. To the twelfth interrogatory the deponent answers that he does not know whether said vessel had a passport; that he has no knowledge of her former voyages or of the cargo which she has carried; that said vessel sailed from some port in Scotland in October, 1862, from Cork in No-

vember, 1862, from Corunna, Spain, from Madeira, St. Vincent, and Barbadoes in December, 1862, and from St. Thomas on the fourteenth day
89 of January, 1863, as the last clearing port previous to the capture.

13th interrogate. To the thirteenth interrogatory the deponent answers that he does not know what lading said vessel carried on her first setting sail on her last voyage; that he does not know what said vessel had on board as cargo when taken; that he does not know when any cargo was taken on board said vessel; that he does not know that said vessel had cargo on board, but believes she had some bales on board.

14th interrogate. To the fourteenth interrogatory the deponent answers that he believes that the owner of said vessel at the time of seizure was Johnson; that he only knows that by hearsay; that he knows not of what nation said owner is; that he believes said owner resides in Liverpool; that he knows not of his family, or of whom he purchased, or how long he has been in possession.

15th interrogate. To the fifteenth interrogatory the deponent answers that he knows of no bill of sale for said captured vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that he cannot tell in what port or place the cargo found on board said vessel at the time of her capture was first put on board of her; that he does not know who the lader, owner, or the consignee of the cargo on board said captured vessel is; that he knows not where it was to be delivered, or to whom it would belong if restored and unladen at its destined port.

17th interrogate. To the seventeenth interrogatory the deponent
90 answers that he knows of no bills of lading relating to the captured goods; that he knows not at what rate of freight said goods were carried.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession, neither does he know of any papers, invoices, bills of lading, letters, or other writings relating to said vessel or cargo, or to show the interest of any person therein, except the crew list or articles of agreement; that he does not know where said articles now are or where they are kept.

19th interrogate. To the nineteenth interrogatory the deponent answers that he cannot state the degrees of latitude or longitude in which said vessel was captured; that the capture was made about seven o'clock of the morning of the twentieth day of January, eighteen hundred and sixty-three; that said capture was made on the Bahama Bank, near Washerwoman Cut; that he knows of no charter-party being made for said voyage of capture, nor of any agreement, verbal or otherwise, concerning said voyage on which the vessel was captured.

20th interrogate. To the twentieth interrogatory the deponent answers that he has no knowledge of any papers relating to said captured vessel, and he cannot tell what letters or papers were on board at the time she took her departure from her last clearing port; that he saw no letters, papers, or documents, torn, burnt, or destroyed on board said captured vessel.
91 21st interrogate. To the twenty-first interrogatory the deponent answers that he knew that the ports of the South were blockaded by the naval forces of the United States; that he believes the master of said vessel had the same information; that such information was obtained from the public prints in England by himself, and he supposes by the master also.

22d interrogate. To the 22d interrogatory the deponent answers that the port from which said vessel sailed, nor the port to which she was bound, was under an order of blockade by the government of the United States at the time the vessel sailed on the voyage of capture; that no notice had been given or endorsed on the ship's papers of such blockade; that conversation

was had on board said vessel after sailing of the unfitness of said vessel as a blockade runner, even if she was intended for such a purpose; that no one of the crew would go in her for that purpose; that all were anxious to get home again and be clear of her, as they were heartily tired of her.

23d interrogate. To the twenty-third interrogatory the deponent answers that no papers of said vessel were endorsed or examined by any officer of the United States, to his knowledge.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that he does not know whether said vessel ever run the blockade of the southern ports without success, or to sail therefrom.

25th interrogate. To the twenty-fifth interrogatory the deponent
92 answers that he does not know whether said vessel was ever seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture; that he has not received any indemnity, satisfaction, or promise of satisfaction, which he has sustained or which he may sustain, by this capture or detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he does not know if the said vessel or cargo be insured or not.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he does not know to whom said cargo would belong in case it had arrived at its destined port.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that he does not know where said cargo was manufactured, or where it was laden.

30th interrogate. To the thirtieth interrogatory the deponent answers that he does not know where or when the cargo on board said captured vessel was taken on board of her.

31st interrogate. To the thirty-first interrogatory the deponent answers that he does not know of any papers concerning said vessel or cargo, save and except the shipping articles.

32d interrogate. To the thirty-second interrogatory the deponent answers that he does not know that any papers were delivered out of said
93 vessel to any one, or whether any were carried away in any manner, or where they now are.

33d interrogate. To the thirty-third interrogate the deponent answers that bulk was not broken on the voyage of capture.

34th interrogate. To the thirty fourth interrogatory the deponent answers that no passengers were on board said captured vessel.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that he does not know anything about said papers; that he excepts always the crew list or agreement, which he believed was true and fair; that he has written no letters concerning said vessel or cargo.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel between seven and eight o'clock of the morning of capture; that he does not know what course the vessel was steering at that time, or how long she had been steering said course; that said vessel was at that time on the Bahama Bank, about five miles from the nearest keys; that he does not know whether said vessel changed her course after leaving the capturing vessel; that he does not know which way the wind blew at the time of seizure; that he believes the vessel's course was at all times directed to the port to which she was destined by the ship's papers; that said vessel was not sailing wide of the place to which she was destined; that he
94 cannot say what distance she was therefrom; that twenty-four hours previous to the capture said vessel sailed from Key Lobos light-

house, where she took a man from a schooner who pilot'd the vessel along across the Bahama Bank, until about six o'clock p. m., when said vessel came to an anchor, where said vessel remained until about six o'clock the following morning, when she got under weigh and proceeded towards Nassau, until they were boarded and taken possession of, which was about eight o'clock of the morning of the twentieth of January, 1863; that a log-book was kept during the voyage by the mate; that he cannot tell to what time it was written up; that no engineer's log-book was kept on board said vessel; that two American men-of-war were seen on the voyage of capture, one in the port of St. Vincent, and one in the port of St. Thomas.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that he does not know to whom said vessel has been sold, or how often, or what sum was paid for her; that he does not know anything about the sale or transfer of said captured vessel; that he believes, should the vessel be restored, that she will belong to the persons now asserted to be the owners, and to none others.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on board said captured vessel; that said vessel had no arms or ammunition on board as belonging to her; that there were not on board any article of a warlike or military nature, no camp equipage, military tools, uniforms, soldiers' clothing, or other warlike or
95 naval stores.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that the only thing which he knows of the whole matter is, that said voyage was a lawful one, viz., from England to Nassau, and that there the crew were to be discharged.

40th interrogate. To the fortieth interrogatory the deponent answers that said ship did not sail under convoy on the voyage of capture.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel did not sail into or out of any port under blockade by the arms or forces of any belligerent power.

42d interrogate. To the forty-second interrogatory the deponent answers that said vessel did not carry a license or commission as a letter of marque on her last voyage, prior to the seizure, as he knows or believes.

43d interrogate. To the forty-third interrogatory the deponent answers that said vessel did not at any time sail or act in concert with any armed vessel, in cruising against or pursuing the persons or property of citizens of the United States.

(S'd) JAMES WALKER.

Sworn and subscribed before me, in Key West, this twenty-eighth day of January, eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

96 Deposition of Thos. McWhinnie, a fireman, before Cornelius Curtis, prize commissioner at Key West, 29th January, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is Thos. McWhinnie; that he was born in Paiseley, Scotland; that he has lived for the last seven years in Glasgow, and now lives there with his wife and family; that he is a subject of Great Britain, and owes allegiance thereto.

2d interrogate. To the second interrogatory the deponent answers that he was present at the taking of the vessel and cargo concerning which he is now examined.

3d interrogate. To the third interrogatory the deponent answers that said capture was made on the twentieth day of January, eighteen hundred and

sixty-three, on the Bahama Banks, and not in sight of any land, as he saw; that she was brought into the port of Key West, Florida; that said vessel was seized for the reason that she was suspected of going out for the purpose of running the blockade.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under English colors; that he saw a great number of flags hoisted at sea on board said vessel, but not being familiar with the different flags could not tell rightly what they were, or for what purpose they were on board.

5th interrogate. To the fifth interrogatory the deponent answers
97 that no resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the name of the capturing vessel was the "Tioga," U. S. war ship; that no other vessels were in sight at the time of the capture; that the captured vessel was a merchantman; that he believes the owners of said ship were a company of Confederates, persons not known to him; that the capturing vessel was a man-of-war, and of force of four guns, and was of the United States navy.

6th interrogate. To the sixth interrogatory the deponent answers that had said vessel not been seized her first port of entrance would have been Nassau, N. P; that her second port would have been Charleston, and the third would have been Nassau, N. P.; that he was led to believe this from the representations made him, and by the personal remarks to him by first captain of the vessel, Maxstead, who shipped him, in the Sailor's Home in Glasgow, in October 1862.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel was the Pearl; that the name of the master who shipped himself and the rest of the crew in Glasgow, was Maxstead; that the name of the master who sailed the vessel from Glasgow to Cork and back again to Cork, was Irvin, and the name of the master who brought the ship across the Atlantic was Jolly; that as said Maxstead seemed to have the whole management of affairs while said vessel was fitting out, engaging and paying men their wages, prior to their joining the vessel and after they had shipped in her, and threatening to discharge Captain Irvin on the vessel's departure while
98 sailing down the Clyde, he believes Captain Maxstead appointed said Irwin as master, and delivered the same to him at Glasgow in the month of October, in the year 1862. That said Irvin lived in Greenock with his wife and family; that he was born in Greenock, Scotland; that the acting master, Jolly, was appointed in Cork by Mr. Lafown, who came to Cork from Liverpool with Captain Jolly, and who, there in Cork, had all authority in matters concerning the vessel and her management, in advancing money, and arranging with the crew how to pay their advance notes to their wives at home; that said Jolly took possession of said vessel in Cork in the month of November, 1862, and that Mr. Lafown delivered the same to him; that said Jolly resides with his wife in Liverpool; that he was born in British America, he believes, and that he is a subject of Great Britain.

8th interrogate. To the eighth interrogatory the deponent answers that said vessel was of seventy-two tons burthen; that twenty persons comprised the ship's company at the time of seizure; that twenty-one persons were actually on board at that time, one being a Bahama pilot; that they are mostly Englishmen; that fifteen of said crew came on board in Glasgow in the month of October, 1862, and five of the same came on board in November, 1862, in Cork and Queenstown; that those who came on board in Glasgow were shipped by Captain Maxstead in October, and those who came on board in Queens-
99 town and Cork, in November, 1862, were shipped or hired by Mr. Lafown and Captain Jolly; that the agreement by the shipping articles was

for himself and the firemen four pounds five shillings per month, and ten pounds to be paid them on their arrival at Nassau, where they would be discharged before the proper authorities; that Captain Maxstead further said, as an inducement for them to sign said agreement, that they might reship on the same vessel, or some other, in the Confederate service, under large pay, and have the ten pounds which was to pay the passage home, as a bonus; that this arrangement was made and agreement promised because the ten pounds was too small a sum to remunerate them for any time taken up to bring them home, requiring it to pay for their passage alone; that the sum shipped for was only the same as was paid them in their home vessels, and the inducement for them to ship was the high wages going in the vessels trading to the Confederate ports; that said pay for the above service was fifteen pounds sterling advance, and ten pounds per month, said sums to be paid them before leaving Nassau, and on reaching Nassau again, on the return, fifteen pounds more was to be given, thus making forty pounds per month for said service if successful, or twenty-five if taken by the cruisers of America; that the above was the only inducement which caused him and others of his shipmates to join the "Pearl" and embark on this voyage; that this arrangement was verbal and not in writing.

9th interrogate. To the ninth interrogatory the deponent answers
100 that he belonged to the ship's company at the time of capture, and was a fireman on board; that neither himself nor any one of said ship's company had any interest in said vessel or cargo.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some twelve months; that he first saw her on the Clyde; that her name was always called the Pearl.

11th interrogate. To the eleventh interrogatory the deponent answers that said captured vessel draws, when fully laden, about six feet of water, and she drew when captured some four feet.

12th interrogate. To the twelfth interrogatory the deponent answers that he has no knowledge of said vessel's papers or passport; that said vessel sailed before she was taken on the river Clyde, in Scotland, as a passenger boat; that she carried just general cargoes; that said vessel sailed previous to her capture, from the ports of Glasgow, in October, Cork, in November, Corunna, Funchal, St. Thomas, and Barbadoes in the month of December, all in 1862, and from St. Thomas about the middle of January, in the year 1863, as the last clearing port previous to the capture.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had, when taken, ten bales of woolen goods; that the same were put on board in Cork, in the month of November, in the year
101 1863; that there were on board as cargo eight bales of seamen's jackets, and two bales of blankets.

14th interrogate. To the fourteenth interrogatory the deponent answers that he believes "Wigg" to have been owner of said vessel at the time of seizure. That the general impression on board seemed to be to that effect. That said owner resides in Liverpool, as he believes, and he thinks he is an Englishman by birth. That he knows not if "Wigg" has a family. That said vessel had but just been purchased for said company, and said "Wigg" had but just been put in possession, when he was employed on her, some four months past.

15th interrogate. To the fifteenth interrogatory the deponent answers that he has no knowledge of any bill of sale being given for said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that the cargo found on board said vessel, when captured, was first put on board her in Cork, Ireland, in the month of November, 1862. That the name of the owner of said cargo he believes to be "Wigg." That he is an Eng-

lishman, and resides in Liverpool. That he knows not where said goods were to be delivered, nor on whose account, risk, and benefit. That he believes Mr. "Wigg" has interest as owner of said ten bales of seamen's jackets and blankets, and that should they be restored, and unladen at the destined port, they will belong to him and others in company with said "Wigg."

102 17th interrogate. To the seventeenth interrogatory the deponent answers that he has no knowledge of any bills lading for said cargo.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession, neither has he knowledge of, any papers or documents relating to said vessel or cargo to show his own or the interest of any one therein.

19th interrogate. To the nineteenth interrogatory the deponent answers that he cannot state the position of said captured vessel other than it was upon the Bahama Banks. That said capture was made on the twentieth day of January, at about eight o'clock of said day, in the year eighteen hundred and sixty-three. That he has no knowledge of any charter-party or other agreement of said voyage.

20th interrogate. To the twentieth interrogatory the deponent answers that he does not know of any bills, papers, or writings on board said vessel when she took her departure from the last clearing port. That in the morning of the day of capture, after two guns had been fired by the capturing vessel, he saw the first mate, Mr. Dickie, come from the cabin with a paper, crumbled in his hand, and hand the same to Mr. Walker, first engineer, who took it below into the fire-room, and, as he believes, destroyed said paper, as after said Walker had looked at said paper deponent saw it not afterwards. That other papers of said vessel he saw not. That at about the same time, to wit, after a gun or two had been fired, as aforesaid, the master of said vessel, "Jolly," went down into the fire-room of said ship, a

103 thing which he had done but once before, viz., when said vessel had cracked a plate of her bottom, she being an iron ship, which caused her to leak. That he was engaged upon deck hauling up ashes; could not see what was done by Captain Jolly in said fire-room.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew, as also the master, that the ports of the South, Charleston and others, were under blockade by the naval forces of the United States; that such information was obtained from all quarters—the press, the public, the workmen, and by all people on the Broomielaw.

22nd interrogate. To the twenty-second interrogatory the deponent answers that the port from which said vessel sailed, neither the port to which she was bound, was under an order of blockade by the government of the United States. That no notice in writing, as he believes, had been endorsed upon any of said ship's papers before capture of the blockade of any port. That conversation was frequently had on board said captured vessel, both before and after sailing, by officers and crew, of the practicability and probability of said vessel running to the Confederate ports, the port of Charleston especially; and whether they would or would not continue in the "Pearl," and engage in that business.

23d interrogate. To the twenty-third interrogatory the deponent answers that he does not know whether the register of said vessel was ex-

104 amined and endorsed by any United States officer or not before capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that said vessel never run the blockade, with or without success, as he believes.

25th interrogate. To the twenty fifth interrogatory the deponent answers that said vessel has never been seized and condemned as prize.

26th interrogate. To the twenty sixth interrogatory the deponent answers that he has sustained no loss by the capture of said vessel. That he has never been promised or paid any indemnity or satisfaction for any loss which he might sustain by this capture or detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he believes said vessel to be insured for the voyage from Glasgow to Nassau. That he believes said insurance is effected at Lloyds, in London.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he cannot say to whom said cargo would belong in case it had arrived and been unloaded at its destined port.

29th interrogatory. To the twenty-ninth interrogatory the deponent answers that he cannot rightly say where the cargo of said captured vessel was manufactured. That they, the bales, were laden in Cork, Ireland.

105 30th interrogate. To the thirtieth interrogatory deponent answers that said goods were taken on board said vessel from a lighter while lying at the quay in Cork, in the month of November, 1862.

31st interrogate. To the thirty-first interrogate the deponent answers that he cannot say as to the papers of said vessel or cargo, where, or of what nature they are.

32nd interrogate. To the thirty-second interrogatory the deponent answers that he saw some papers in the hands of the officers of the capturing vessel when they left the "Pearl," but he thinks they were returned again, and he does not now know where they are.

33rd interrogate. To the thirty-third interrogatory the deponent answers.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that one passenger was on board when said vessel sailed from Glasgow in October, 1862; that his name was Underhill; that he was a Scotsman, and a lawyer; that he had no commission, but was going to Charleston *via* Nassau to obtain one in the southern army; that Edinboro was his place of residence. That one passenger, No 2, embarked in Queenstown, Ireland, in November, whose name he did not learn; that he was an American, a Confederate; that his profession, as expressed to deponent, was a slave-owner; that he was bound to Southern States *via* Nassau in order to reach
106 his parents; that he resided in the South, in Charleston. That one passenger, No. 3, joined said vessel at Queenstown in November, 1862; that he was a Scotsman, and an inspector of steam machinery; that he had no commission, to his knowledge, except authority from the company to whom the Pearl and other steamers belong to act for them as inspector of their steamships on arrival at Nassau, to which place he was finally destined for said business of inspector; that his name was McGowen, and that he had authority on board said vessel, insomuch that he ordered Capt Irvin to return to Cork after having been at sea for twenty hours, and land him, which Captain Irvin did. That McGowen continued by the vessel until some repairs were done to the machinery in Cork, and when the ship left for sea he also left the vessel with the pilot. That the Southron, after being on board said vessel one week, Captain Irvin learning that he could not pay his hotel bill, ordered him on shore, and thereby lost his berth by displeasing Captain Maxstead, who placed the Confederate there, and thus "Jolly" was sent on board said vessel as master thereof. That the passenger Underhill, who was in search of a commission, thro' the aid and assistance of Maxstead, after a short cruise in the channel, and returning to Cork, learned from Captain Maxstead that he was going to Nassau in a fine screw-steamer, the

"Thistle;" left the Pearl, and went to Liverpool, and embarked in the "Thistle," Captain Maxstead, for Nassau, N. P.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that he cannot say whether said vessel's papers be true or
107 false, never having seen them, and having no knowledge of them, except the articles of agreement. That he has written no letters concerning said vessel.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel at half past six o'clock of the morning of the twentieth day of January, in the year 1863. That he does not know the course steered at that time, or how long she had been so steering. That he cannot state the latitude or longitude. That the vessel's course was not changed after seeing the capturing vessel. That he cannot say how the wind blew, or what course said vessel steered on her voyage, or whether said vessel sailed wide, tho' she sailed very long on the voyage. That said vessel was sailing from a light house over the banks on the day previous to capture, and on the night previous she was lying at an anchor. That he does not know as to the keeping of any log-book on board. That one United States ship-of-war was seen at St. Vincent in December, and one was seen at St. Thomas in January, 1863, besides the capturing vessel.

37th interrogate. To the thirty seventh interrogatory the deponent answers that said vessel was sold by Henderson to Wigg, as he believes, for a company in Glasgow in September, 1862. That the sum paid was reported to be eight thousand five hundred pounds sterling. That he thinks the sum paid rather large. That he believes the transfer truly made; and he
108 believes, that should the said vessel be restored, she will belong to said "Wigg," for and in behalf of said company.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on said captured vessel. That no arms or ammunition belonged to her. That no warlike or military stores were on board. That bales of seamen's jackets and blankets were on board said vessel, as all of military stores on board.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that his sure and true belief is that said vessel, the "Pearl," was purchased in Glasgow of Henderson for a Confederate company to go to Nassau, to be there employed in running between Nassau and Charleston.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel did never sail under a convoy of any armed ships.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel did never run the blockade.

42nd interrogate. To the forty-second interrogatory the deponent answers that said vessel did never sail as a privateer.

43rd interrogate. To the forty-third interrogatory the deponent answers that said vessel did never sail or act in concert with an armed vessel.

(S'd) THOMAS McWHINNIE.

Sworn and subscribed before me in Key West this twenty-ninth day of January, in the year 1863.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

109 Deposition of McLellan, a fireman, before Cornelius Curtis, prize commissioner at Key West, 30th January, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is Wm McLellan; that he was born in Paiseley, Scotland; that he has lived for the last seven years in Glasgow, and now lives there, with his wife

and family; that he is a subject of Great Britain, and owes allegiance to the British crown.

2d interrogate. To the second interrogatory the deponent answers that he was present at the capture of the vessel concerning which he is now examined.

3d interrogate. To the third interrogatory the deponent answers that said seizure was made on the twentieth day of January, in the year eighteen hundred and sixty-three; that it was made on the Bahama Banks; that he cannot say in what position, as no land was in sight, to his view; that she was carried into Key West; that no other vessels were in sight at the time of the capture; that the captured vessel, were a merchantman; that she was owned by a Captain Maxstead, as he believes; that the capturing vessel was a man-of-war; that he believes the reason for said seizure was because said vessel had bales of contraband goods on board.

4th interrogate. To the fourth interrogatory the deponent answers that said captured vessel sailed under the English flag; that he knows of no other colors on board, except signals.

110 5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the capture was made by the steamship "Tioga;" that no other ships were in sight at the time of the capture; that the captured vessel was a merchantman; the said vessel belonged to a Captain Maxstead, as he believed; that the capturing vessel was a man-of-war of the United States navy, and carried six guns,

6th interrogate. To the sixth interrogatory the deponent answers that said vessel would have first entered the port of Nassau had she not been seized; that, as he believes, said vessel would have been put in order in Nassau, and then sailed for the port of Charleston, as her second port of entrance; that as to the third port of entrance he cannot say.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel captured was the "Pearl;" that the name of her master is "Jolly;" that said master was appointed to the command of said vessel by Mr. Lafone, in Liverpool; that he has known the vessel some twelve months, and the present master some two months; that he took possession of said vessel in Cork, Ireland, in November, 1862; that she was delivered to him by Mr. Lafone, as he believes; that he knows not were said master does or did reside, or where he was born; that he believes said master to be a subject of England.

8th interrogate. To the eighth interrogatory the deponent answers that said vessel was seventy-two tons burthen; that twenty men belonged

111 to said vessel's company at the time of capture, and one pilot, making twenty-one then actually on board; that they are of the English nation; that fifteen of said vessel's company came on board at Glasgow, in October, and five in Cork, in November, 1862; that those who came on board at Glasgow were hired by Captain Maxstead, and those which came on board at Cork were hired by Captain Jolly and Mr. Lafone; that the terms of the shipping agreement was to the effect that he should receive four pounds five shillings per month, with one month's advance wages, and on arrival at Nassau the crew were to be discharged, and each one to receive ten pounds, as an equivalent for passage and wages home; that as for himself the said agreement was final and absolute, no other conditions being made as to the result of the voyage; that as to other persons on board he does not know their terms or conditions

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of her capture, and was a fireman thereof; that he had no part, share, or interest in said vessel or

cargo at the time of capture; that he believes no one else of the ship's company had any share therein.

10th interrogatory. To the tenth interrogatory the deponent answers that he has known said vessel a twelve month; that he first saw her on the Clyde, in Scotland; that she was built at Renfrew, upon the river Clyde, Scotland; that her name was the "Pearl," and that she was always so called.

112 11th interrogate. To the eleventh interrogatory the deponent answers that said vessel draws, with a full cargo, about six feet of water; that she drew when taken some four feet of water.

12th interrogate. To the twelfth interrogatory the deponent answers that said vessel had no passport, as he believes; that said vessel sailed as a passenger boat upon the Clyde previous to her voyage of capture, and that she carried but little of any cargoes, as she had no cargo room; that said vessel sailed from Glasgow in October, 1862, from Cork in November, 1862, from Corunna, from Madeira, from St. Vincent, from Barbadoes in the month of December, 1862, and from St. Thomas, as her last clearing port previous to her capture, in the month of January, in the year 1863.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had no lading on her first setting out on her last voyage; that she had as lading when taken ten bales of jackets and blankets; that said lading was put on board in Cork, in November, in the year 1862; that it was composed of jackets and soldiers' blankets.

14th interrogate. To the fourteenth interrogatory the deponent answers that he believes Mr. Lafone was owner, or acting as agent, for persons on this side of the water, at the time of capture; that as Mr. Lafone acted as the last managing agent, he supposed the vessel still under his management, or direction of ownership; that said Lafone is an Englishman by birth, and resides in Liverpool, England; that he knows not if he be married

113 or how long he has been a resident there; that the present owners have been in possession some four months, as he believes, and they purchased of a Mr. Henderson, of Renfrew, Scotland, a builder.

15th interrogate. To the fifteen interrogatory the deponent answers that he knows of no bill of sale being given by Mr. Henderson to the parties purchasing said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that said cargo was first put on board of said vessel in Cork, in the month of November, in the year 1862, which was found on board at the time of the capture; that he knows not who laded, owned, or who was consignee of said goods, or for whose risk or benefit they were; that he believes they were to have been delivered in Nassau; that should said ten bales of jackets and blankets be restored and unladen, he cannot say to whom they would belong.

17th interrogate. To the seventeenth interrogatory the deponent answers that he knows of no bills of lading signed for said goods, nor for what freight they were to be carried.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has no knowledge of any bills of lading, letters, invoices, or other documents concerning said vessel or cargo, save the shipping articles which he signed in Glasgow before her departure on this long and tedious voyage.

19th interrogate. To the nineteenth interrogatory the deponent

114 answers that said vessel was captured on the Bahama Banks at about eight o'clock a. m of the twentieth day of January, in the year 1863; some eighty miles from Nassau, N. P.; that he has no knowledge of any charter-party or agreement concerning the voyage on which the vessel was captured.

20th interrogate. To the twentieth interrogatory the deponent answers that he knows not what papers were on board said vessel when she took her departure from her last clearing port; that he saw no papers burned or destroyed on board said vessel.

21st interrogate. To the twenty first interrogatory the deponent answers that both himself and all on board knew that the ports of the southern States, particularly Charleston, were under blockade by the naval forces of the United States; that such information was obtained by the public prints of the United Kingdom; that while lying in Cork the public paper of that city reported that the said captured steamer had already made one successful voyage to the Confederate States by running the blockade, which brought many citizens down to the quay to witness and inspect the little craft, and application was made to Captain Jolly, by mariners, to embark on the coming voyage; others doubted whether so small and shoal a vessel would ever reach the Confederate States; thus the sources of information was upon the right hand and upon the left, of a system of blockade of the southern Confederate ports.

115 22d interrogate. To the twenty-second interrogatory the deponent answers that the port from which said vessel sailed, and the port to which she was bound on this voyage, was not under an order of blockade by the order of the government of the United States, at the time the vessel sailed on the voyage on which she was captured; that he believes no notice in writing had been made on any of the vessel's sea-papers by any one; that it was notorious in Glasgow and in Cork before and after the sailing of that vessel, the Pearl, that she was engaged to run the blockade, and that she was bought and fitted and sailed for that especial purpose; that his wife wrote him a letter from Glasgow to that effect, and wished him to leave said vessel in any event, even if he had to run away; that on board it was a topic of conversation thro' the voyage, by most of the vessel's company, the character of the trade in which the little craft was to enter upon after reaching Nassau, her port of destination, and so forth; that the port of Charleston was mainly connected with the conversation, as the port to which said vessel would sail.

23d interrogate. To the twenty third interrogatory the deponent answers that he does not know what papers were examined or endorsed by any officer of the United States before capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that he does not believe, tho' the Irish papers so stated, that said vessel ever ran the blockade at all; that the only knowledge that he had of

116 said vessel ever having successfully run the blockade was from the above source.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that said vessel has never been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture; that he has not been paid or promised any satisfaction or indemnity for any loss which he might sustain by this capture or detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he does nor know whether the vessel and cargo are insured.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he does not know to whom the cargo would belong had it been unladen at its destined port.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that he cannot say, but he believes the goods on board were of English manufacture; that they were laden in Cork.

30th interrogate. To the thirtieth interrogatory the deponent answers

that he believes that said cargo came on board at Cork in the month of November, in the year 1862, and they were laden from the quay of that port early in the morning before the crew were on deck.

31st interrogate. To the thirty-first interrogatory the deponent
117 answers that he cannot tell where any of said vessel's papers are, or whether she had any license from any government.

32d interrogate. To the thirty-second interrogatory the deponent answers that he knows not if any papers were delivered from said captured vessel, or if so, in whose possession they now are.

33d interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage of capture.

34th interrogate To the thirty-fourth interrogatory the deponent answers that three passengers were on board said captured vessel; that their names Underhill, and McGowen; that the profession of Underhill was war; that he had no commission, but was in search of one; that he came on board in Glasgow in October, 1862; that said Underhill was bound to Nassau, and after that was bound to the war in the Confederate States, upon the business of seeking for a commission; that said passenger had or exercised no authority or command on board, because he had not his commission; that he was an Englishman and resided in Liverpool, as he believes; that , the second passenger, was a young man of southern birth, a Confederate, who embarked at Queenstown, and owing to an indebtedness at a hotel on shore, the captain, "Irvin," had him put on shore at midnight, after having been on board but a few days; that said blank was destined for home, and to find business; that his residence was at the south, as he learned;
118 that the third passenger, Mr. McGowen, was a Scotsman, and his business was that of an engineer; that he had a commission to act on behalf of the parties interested in the ship, in regard to her machinery; that he was taken on board at Queenstown, Ireland, and was destined for Nassau, to be inspector of the machinery of the iron ships belonging to the concern of which the before-mentioned persons, viz, Maxstead, Wigg, and Lafone, who have all graced the little Pearl with their consideration, were agents and actors; that said passenger had no interest in said vessel or cargo, as he believes; that he had all authority in the engine-room over the engineers, and directed all the repairs to said vessel's engine and boilers; that said McGowen resides in Liverpool, England.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that he has no knowledge as to the truth or falsity of said vessel's papers, knowing nothing of them, except the shipping articles, or how they were obtained; that he knows of no person on board having a passport or letters of safe conduct; that he has written no letters regarding said vessel or cargo to any one.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel, at about half-past six o'clock on the morning of the 20th day of January, 1863; that he cannot say what courses said captured vessel steered at any time on the voyage; that he cannot state at all the latitude or longi-
119 tude of said captured vessel at that time; that he cannot say which way the wind was; that he supposes said vessel sailed and steered at all times for the port for which she was bound by the said ship's papers, tho' it was a prodigious long way round; that said vessel was steaming for twelve and sleeping at an anchor for twelve hours of the preceding twenty-four hours to capture; that he thinks a log-book should have been kept by the mate, and he believes it was so kept, tho' when it was written up to, he had no means of knowing; that in his department a log-book should have been also kept; that a log-slate was kept in the engine-room; that he saw

the slate going to his, the engineer's, room often, tho' he never saw his book; that two American men-of-war were seen on the passage, besides the capturing vessel, viz, the Mohican, at St. Vincent, in December, 1862, and the Alabama, in St. Thomas, in January, 1863.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that said vessel was sold by Mr. Henderson to the parties now claiming, or having interest therein, viz, Maxstead and Lafone, in Glasgow, in September, for what sum he cannot say; that he believes the sale by Henderson truly made, and that he has no part, share, or interest in said vessel, and that if restored, she will belong to the parties represented by Maxstead, Wigg, and Lafone.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on said captured vessel; that no arms or am-
120 munition was on board; that no naval or warlike stores were on board said vessel; that ten bales of seaman's monkey jackets of wool, and blankets for soldiers were on board, and they were put on board in Cork, in the month of November, 1862.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that, according to his knowledge, said vessel was sold and bought in Glasgow, Scotland; that she sailed from there, and was on a long and perilous voyage; that she was captured and brought into the port of Key West, and he believes that said vessel was bought for the purpose of sailing to Nassau, N. P., and then to be fitted for the purpose of sailing to Charleston, S. C, a Confederate port; that the persons appearing as actors in this business, to wit: Maxstead, Wigg, and Lafone, are agents of the Confederates, or of parties connected with said Confederates.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under convoy of armed vessels.

41st interrogate. To the forty first interrogatory the deponent answers that said vessel never run the blockade by the aid or forces of any belligerent power.

42d interrogate. To the forty-second interrogatory the deponent answers that said vessel never sailed as a privateer or letter of marque.

121 43d interrogate. To the forty-third interrogatory the deponent answers that said vessel never sailed or acted in concert with any armed vessel in cruising against or pursuing the persons, vessels, or property of loyal citizens of the United States.

(S'd) WILLIAM McLELLAN.

Sworn and subscribed before me this thirtieth day of January, eighteen hundred and sixty-three, in Key West.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

Deposition of James Dickie, 1st mate, before Cornelius Curtis, prize commissioner, at Key West, 31st January, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is James Dickie; that he was born in Montrose, Scotland; that he has lived for the last seven years in Montrose, and resides there now with his parent; that he is a citizen of Scotland and owes allegiance to the British crown; that he is not married.

2d interrogate. To the second interrogatory the deponent answers that he was present at the capture of the vessel concerning which he is now examined.

3d interrogate. To the third interrogate the deponent answers that said

capture was made on the twentieth day of January, in the year
122 eighteen hundred and sixty-three, and was brought into this port of Key West; that said captured vessel had no commission or authority to make prizes; that he knows no reason why said vessel was captured or seized.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under the English colors; that she had no other colors on board, save and except Marryatt's code of signals, two setts, and a burgee.

5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture; that one blank gun was fired, and two shotted guns, by the capturing vessel; that the capture was made by the steamship Tioga; that no other vessels were in sight at the time of the capture; that the captured vessel was a merchant vessel; that said captured vessel belonged George Wigg; that the capturing vessel was a ship-of-war of the United States, and of the force of six guns.

6th interrogate. To the sixth interrogatory the deponent answers that had not said vessel been captured and seized, she would first have entered the port of Nassau, and he believes said vessel was to run between Nassau and Cuba, and her second port of entrance would have been Newvitas, and that her third port of entrance would have been Nassau, N. P., as he believes tho' he knows not.

7th interrogate. To the seventh interrogatory deponent answers that the name of the vessel taken was the "Pearl," and that of her master
123 was William Jolly; that said Wigg appointed the master to the command, but where the appointment was made he knows not that he has known said vessel some three months, and the master some two months; that said master took possession of said vessel in November, 1862, in Cork, and that a Mr. Henry Lafone delivered the same to him; that said master resides with his wife and family in Liverpool, England; that he cannot say where he was born; that he is a subject of Great Britain.

8th interrogate. To the eighth interrogatory the deponent answers that said vessel is of the burthen of seventy-three tons; that the vessel seized had twenty persons on board at the time of seizure, as belonging to her company; that twenty-one persons were actually on board at that time, a Bahama pilot, being one who had come on board the 24 hours previously; that the vessel's company are English, Irish, and Scots; that fifteen of the present crew joined her in Glasgow, in the month of October, 1862, and five joined her and came on board in Queenstown and Cork, in November; that he cannot say who shipped the crew in Glasgow; that he was hired in Greenock in October, by Captain Ivrin; that he cannot say who shipped those who joined in Queenstown, but those who shipped in Cork, in November, 1862, were hired by Captain Jolly; that the terms of agreement were as expressed in the articles, and on being discharged at Nassau, as per agreement, they were each to receive ten pounds sterling to enable them to reach a port in the United Kingdom; that he was to receive no
124 other or greater compensation than that mentioned in the shipping articles, that the agreement was absolute.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company and the time of her capture, and was first officer thereof; that no one of said vessel's company had any part, share, or interest in either vessel or cargo at the time of her seizure, as he believes.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some three months, and first saw her on the Clyde; that she was British built; that her name was the Pearl, and was, as he believes, always so called.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel draws, when fully laden, seven feet of water aft, and that she drew when taken five feet.

12th interrogate. To the twelfth interrogatory the deponent answers that said vessel had no passport or sea-brief on board; that she was employed as a home vessel, and carried domestic cargoes and passengers to him unknown; that said vessel sailed from Glasgow, in October, 1862, from Cork, in November, 1862; Corunna, Spain, Funchal, Madeira, St. Vincent, and Barbadoes, in December, 1862; and from St. Thomas, on the fourteenth day of January, 1863, previous to the capture as her last clearing port.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had only as lading, on her first setting out, on her
125 last voyage, coals, some 100 tons, and at the time she was taken she had on board, as lading and goods, some ten tons of coal and ten bales of woolen goods; that the same was put on board in the month of November, in the year 1862; that he cannot tell the different species of said goods; that there were ten bales numbered from one to ten, and marked I, in a diamond.

14th interrogate. To the fourteenth interrogatory the deponent answers that he believes George Wigg was the owner of said vessel at the time of seizure; that being the owner, as he believes from information, at the time of her departure, he supposes him to have been the owner at the time of capture, as he has no knowledge of a transfer since her first setting out on this voyage; that said Wigg he believes to be of the English nation; that he does not know if he is married, or where he resides; that he is a subject of England; that he knows not how long said Wigg has been in possession of said captured vessel or of whom he purchased.

15th interrogate. To the fifteenth interrogatory the deponent answers that he has no knowledge of any bill of sale given for said captured vessel to the owner thereof.

16th interrogate. To the sixteenth interrogatory the deponent answers that the lading found on board said captured vessel at the time of her seizure was first put on board in Cork, Ireland, in the month of November, 1862; that he knows not the lader or owner of said goods; that the con-
126 signee was Adderly & Co., Nassau; that he knows not the nationality of said consignees; that said goods were to be delivered at Nassau, N. P., but for whose account, risk, or benefit he cannot say. That he believes said ten bales of goods to be clothing, jackets, or overcoats; that he cannot say to whom said goods would belong in case they be restored and unladen at Nassau, N. P., the destined port.

17th interrogate. To the seventeenth interrogate the deponent answers that one bill of lading was signed for said goods seized on board said vessel; that he believes said bill of lading to have been true and not false or colorable; that he knows not of other bills of lading signed for said goods, different from the one found on board said vessel at the time she was taken; that the rate of freight was forty shillings sterling per ton measurement.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession any documents to show the interest of any one in vessel or cargo; that there were on board at the time of the capture a bill of lading and the vessel's register to show the interest of Adderly & Co. in cargo and of Wigg in vessel, concerning which he is now examined; that he saw such paper evidences in the hands of the captors, and he believes that they were brought to this port by said captors; that the contents of said bill of lading were that said Adderly was the consignee, and that the goods were to be delivered at Nassau for the payment of forty shillings per

ton measurement, and that said register contained the builder and
127 owner's name, her measurement, &c.

19th interrogate. To the nineteenth interrogatory the deponent answers that said vessel was captured in the latitude of 23° 24′ north, and longitude 77° 33′ west, at between eight and nine o'clock of the morning of the twentieth day of January, in the year eighteen hundred and sixty-three, near Channel Rock on the Bahama Bank, said rock bearing north-northeast, distant six to seven miles; that he has no knowledge of any charter-party or any agreement, verbal or otherwise, concerning the voyage on which the vessel was captured.

20th interrogate. To the twentieth interrogatory the deponent answers that said vessel had, on clearing from St. Thomas, a bill of lading, crew list, and register at the time she took her departure before she was taken as prize; that no papers of said vessel were burned, torn, thrown overboard, or destroyed by any one on board said captured vessel, as he believes.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew that the naval forces of the United States held the ports of the whole southern line of coast under blockade; that he obtained such information or notice from the public prints and from conversation; that he cannot say what the master may know on the subject.

22d interrogate. To the twenty-second interrogatory the deponent answers that neither the port from which said vessel sailed or the port to
128 which she was bound was under an order of blockade by the government of the United States at the time said vessel sailed on the voyage of capture; that no papers had been endorsed before capture; that conversation was had on board the vessel as to the future employment; that such conversation was trivial and foolish, and he declines repeating it, except that the vessel was to enter the trade between Nassau and Newvitas, Cuba; that he cannot give further conversation as to the business of which said vessel was to enter upon after reaching Nassau.

23d interrogate. To the twenty-third interrogatory the deponent answers that the register of the vessel about which he is examined was not examined or endorsed by any United States officer before she was captured.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that said vessel has never run the blockade.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that said vessel was never been seized or condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained loss by the capture of the vessel concerning which he is now examined; that such loss was the missing of some of his clothes, when and by whom he cannot say; that he has not received any satisfaction or promise of indemnity or satisfaction for any loss which he has sus-
129 tained or may sustain for this capture or detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he does not know whether said vessel or her goods of lading be insured.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he cannot say who would be the owner of the goods of said vessel in case they had arrived and been unladen at the destined port.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that he does not know of the manufacture of said goods; that they were laden in Cork, Ireland.

30th interrogate. To the thirtieth interrogatory the deponent answers that said goods were laden from a lighter while said vessel was lying at the quay in the harbor of Cork, Ireland, in the month of November, in the year 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers that he knows not of any other papers or documents anywhere relating to said vessel or cargo, other than said vessel's regular sea-papers.

32nd interrogate. To the thirty-second interrogatory the deponent answers that the papers of the vessel were delivered to the captors and by them taken away at the time of capture; that he believes they are
130 now in the possession of the court.

33rd interrogate. To the thirty-third interrogatory the deponent answers that bulk was broken on the voyage before capture by some one of the crew, by which one not known, for the purpose of stealing, by cutting open the bales and abstracting therefrom two or three reefing jackets or pilot coats.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that two passengers were on board from the Clyde to Queenstown, one by the name of Underhill and one by the name of John Foster; that they were both of the English nation; that Underhill was a clerk and Foster a seaman by occupation; that they had no commissions; that Underhill came on board at Glassgow and Foster at Greenock; that he cannot tell where they were destined or on what business; that he cannot tell whether said passengers had any interest in vessel or cargo; that one passenger came on board at Queenstown, whose name was Dundas; that he was an American, of no occupation or profession; that he does not know Dundas's destination or business; that one passenger joined the vessel at Queenstown; that he was British, that his name was McGowen; that he was an engineer and came on board in November; that said McGowan was bound and destined to Nassau and upon what business he cannot say; that said McGowan had authority to recommend the repairs of the engine; that he knows not his place of residence.

35th interrogate. To the thirty fifth interrogatory the deponent an-
131 swers that he believes all the papers relating to said vessel and cargo and found on board of her, were and are entirely true and fair; that that he knows no circumstance to affect their credit; that no person on board had any passport or letters of safe conduct; that he has written no letters, but has signed cargo receipts concerning said vessel and cargo.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel at about half past six o'clock of the morning of Tuesday, January twentieth, 1863; that the captured vessel was steering about north by east half east at that time, and had been so steering some half hour; that the latitude was 23° 17′ north, and the longitude was 77° 35′ west; that the course of the captured vessel was changed, after running some four miles, to north half west; that the wind was about east at the time of the capture; that the vessel's course was at all times directed to the port to which she was destined by the ship's papers; that the course was altered to other ports for the purpose of making a harbor or procuring fuel; that ten hours previous to capture said vessel was at an anchor, and the former twelve hours the vessel was steering north by east; that a log-book was written and kept on board and was written up to the time of the vessel's capture; that a United States ship of-war was seen at St. Vincent in December, 1862, and one at St. Thomas in January, 1863.

37th interrogate. To the thirty-seventh interrogatory the deponent
132 answers that said captured vessel was bought by Mr. Wigg, but of whom he cannot tell; that said vessel was bought in the Clyde, in September, 1862; that he has no further knowledge of the transaction; that he believes should said vessel be restored she would belong to Mr. Wigg and no other.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that said vessel had no guns mounted on board; that no arms or ammunition belonged to her; that no naval or military stores were on board; that no warlike articles of any nature were on board.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that said vessel sailed for Nassau, and was the real and true property of George Wigg, of Liverpool; that the said cargo was consigned to Adderly & Co., of Nassau, N. P., and was destined for that place, which is the whole which he knows or believes of the vessel and cargo at the time of the capture.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under convoy of armed ships.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel never sailed into or out of a blockaded port.

42nd interrogate. To the forty-second interrogatory the deponent answers that said vessel never sailed as a privateer or letter of marque.

133 43rd interrogate. To the forty-third interrogatory the deponent answers that said vessel never sailed or acted in concert with any armed vessel in cruising against or pursuing the persons, vessels, or property of loyal citizens of the United States.

(S'd) JAMES DICKIE.

Sworn and subscribed before me, in Key West, this thirty-first day of January, eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

Deposition of Joseph Carnaghan, seaman, before Cornelius Curtis, prize commissioner, at Key West, 2d February, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is Joseph Carnaghan; that he was born in Milford, Wales; that he has lived for the last seven years in North Berwick, Scotland; that he is married, and his wife and family reside in Berwick aforesaid; that he is a subject of Great Britain and owes allegiance to that country and crown.

2nd interrogate. To the second interrogatory the deponent answers that he was present at the taking of the vessel concerning which he is examined.

134 3rd interrogate. To the third interrogatory the deponent answers that said seizure was made on the twentieth day of January, eighteen hundred and sixty-three, on the Bahama Banks, about seven miles from Sand Key, and was carried into the port of Key West, Florida; that he heard said seizure was made because her papers connected said vessel with Confederate agents in Nassau.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under English colors; that she had on board a flag called a "house flag," being a new flag purchased at the ship-chandler's in Glasgow for the flag to designate the new owners, said flag having three horizontal stripes, the upper blue, the middle white, and the lower stripe red, with a blue stripe across said flag, up and down in the centre; that said vessel had also a flag on board, which he saw last in Cork while he was stowing the ship's compasses away in the captain's cabin, it being then rolled in paper with a hand-lead inclosed in the centre of said flag or parcel, said hand-lead being new; that said flag, so enclosed and loaded, was a Confederate flag, new, purchased as the "house flag" was in Glasgow, and was on board to be used on said steamer Pearl after she had reached Nassau and entered on the trade for which she was purchased, viz: between Nassau and Charleston, or some more available Confederate port; that said flag above described was to be used to designate the nationality of said vessel, the

Pearl, after reaching Nassau, N. P.; that he also saw a sett of Marryatt's signals on board, also new, and purchased in Glasgow as above.

135 5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the capture was made by the United States steamer Tioga; that no other vessels were in sight at the time of the capture; that the captured vessel was a merchantman; that said vessel belonged to a Mr. Wigg; that the capturing ship was a United States man-of-war, and of the force of six guns.

6th interrogate To the sixth interrogatory the deponent answers that vessel would first have entered the port of Nassau had she not been captured; that the second port of entrance would have been Charleston or some other Confederate port, as he understood and believes; and that her third port would have been Nassau, as he was led to believe; that Nassau was the port where these blockade runners congregated; that there were always quite a number there wanting hands; that wages were high, and that being there on the spot, he could at any time get a good berth to run in that trade at high pay; that they or he could ship in the same vessel, the Pearl, again if he wished, for such high pay and for said Confederate service; this he was informed in Glasgow.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel was the Pearl, and that of her commander or master was Jolly; that a Mr. Lafone appointed him to the command in Liverpool; that he has known the vessel since she was built—some four years,

136 and the master some two months; that said master took possession of her in Cork, in the month of November, 1862, and Mr Lafone delivered the same to him; that said master resides in Liverpool, as he believes, and was born in British North America, and owes allegiance, or is a subject of the Queen of England, as he believes.

8th interrogate. To the eighth interrogatory the deponent answers that said captured vessel is of the burthen of seventy-two tons; that the number of the ship's company at the time of seizure was twenty; that there were actually on board at the time she was taken twenty-one persons, one being a Bahama pilot, who had been but twenty-four hours on board, taken on board to pilot us through the cuts and channels of the banks into Nassau; that the vessel's company are English, Irish, and Scots; that fifteen of said vessel's company came on board in Glasgow, in the month of October, 1862, and were hired by the first and then master, G. M. Maxted, in Glasgow; that five of said company came on board in Cork, Ireland; that two of them, viz, two engineers, first and second, were hired in Liverpool, in November, by Mr. Lafone, as he believes, and two seamen were hired by Captain Jolly, in November, 1862; that the terms of the shipping agreement were four pounds sterling per month for the seamen, and that their voyage was to terminate in Nassau, N. P., and that ten pounds sterling was to be given each of the ship's company on so being discharged; that said agreement was absolute for the voyage out, as per articles of agreement, but an additional inducement was the condition that Nassau was a port of brisk trade

137 and business, where many British vessels were engaged in running the blockade, and where seamen were in demand at great wages, as well as being paid a large bonus upon making successful trips, equivalent to three months' pay for each successful trip made in or out, as the result of the voyage or voyages to Confederate ports.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of her capture, and was a seamen on board; that he believes no person on board had any part, share, or interest in either vessel or cargo.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some four years, and first saw her on the Clyde; that she was built in Renfrew, on the Clyde; that her name was the "Pearl," and that she was always so called.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel, when fully laden, draws about six feet six inches of water, and that she drew when captured some four and a half feet of water; that said vessel, being built for a river boat, only to carry passengers where she could coal daily, her coal-bunkers were only of the capacity to hold coal for thirty-six hours' consumption, and when this Atlantic voyage was projected, and the vessel turned over to her new owners, the cabins of said vessel were taken out and room made for carrying coal sufficient to enable her to reach the several intermediate ports of her circuitous route towards Nassau;
138 that while in St Vincent's, Cape de Verde, said vessel took in above one hundred tons of coal, which, together with some forty tons already in the bunkers, brought said vessel as low in the water as she could with safety be, to go to sea; that when reaching the next and nearest port on her prescribed route, said vessel had but about twenty tons of coal left, thereby preventing of necessity said vessel carrying any heavy freight, causing her by that means to be more deeply laden, therefore making it almost impossible for the frail river boat to navigate the ocean, carrying coals for her propulsion, and cargo for earning freight, and thus load her deeper.

12th interrogate. To the twelfth interrogatory the deponent answers that he knows not of said vessel's papers, or whether she had any passport or sea-brief; that said vessel always sailed previous to this voyage of capture on the river Clyde, in Scotland; that said vessel carried no cargoes, she being a passenger, or pleasure, or excursion boat; that said vessel sailed previous to her capture from the port of Glasgow, Scotland, in October, from the port of Cork, Ireland twice in November, from the ports of Corunna, Spain, Funchal, Madeira, St. Vincent's, Cape de Verde, and Barbadoes, all in December, 1862, and from St Thomas, her last clearing port previous to her capture, about the middle of January, in the year 1863.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel only carried as lading on her first setting out in her last voyage, coals for her own consumption; that she had on board as cargo at the time she was captured ten bales of woolen goods; that the same
139 were put on board in the month of November, in the year 1862; that he does not know of said goods only as ten bales of woolen goods.

14th interrogate. To the fourteenth interrogatory the deponent answers that he believes the owner of said vessel when captured was Wigg; that as said Wigg sailed from Glasgow to Greenock, down the Clyde, in said vessel as she took her departure on this voyage, and as said Wigg was then her reputed owner, or manager for a company, he believes the same parties owned at the time of capture as at the hour of departure; that said Wigg he believes to be an Englishman; that he resides in Liverpool, as he believes; that he knows not of his family; that said owner or owners have been in possession some four months, and that they or he purchased of a Mr. Henderson, as he believes.

15th interrogate. To the fifteenth interrogatory the deponent answers that he has no knowledge of any bill of sale being given for said captured vessel.

16th interrogatory. To the sixteenth interrogatory the deponent answers that the cargo found on board said vessel at the time of her seizure was first put on board of her in the port of Cork, Ireland, in the month of November, in the year 1862; that he knows not the names of the laders, own-

ers, or consignees of said cargo; that said goods, as he believes, were to have been delivered in Nassau, but for whose benefit he cannot say; that he knows not to whom said goods would belong should they be restored
140 and unladen at their destined port; that of the several qualities, quantities, and particulars of said goods, he is ignorant.

17th interrogate. To the seventeenth interrogatory the deponent answers that he knows of no bills of lading being signed for the goods captured in said steamer Pearl.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession any papers, neither does he know of any documents, to prove the interest of any one in said vessel or cargo; that he has seen no paper evidences of such ownership.

19th interrogate. To the nineteenth interrogatory the deponent answers that said vessel was taken upon the Bahama Bank, some seven miles from the reefs or keys, and in the neighboorhood of Andros Island, the southern end thereof, about half past seven o'clock of the morning of Tuesday, the twentieth day of January, eighteen hundred and sixty-three; that he knows of no charter-party or other agreement concerning this voyage of the captured vessel.

20th interrogate. To the twentieth interrogatory the deponent answers that he cannot say what papers were on board said captured vessel at the time of her departure from her last clearing port; that he saw no papers of any kind destroyed on board said vessel at any time.

21st interrogate. To the twenty-first interrogatory the deponent answers that knowledge was had by him, and he believes by the master and
141 owner, and all hands, that the naval forces of the United States held the ports of the southern States under blockade; that said knowledge was patent to all, and he learned this fact from various sources.

22d interrogate. To the twenty second interrogatory the deponent answers that neither the ports from which said vessel sailed nor the port to which she was bound was under an order of blockade by the government of the United States at the time of her departure from Glasgow; that no notice in writing, as he believes, had been given or made on the ship's papers of the existing blockade before capture; that before sailing from Glasgow and Cork, the fact was notorious that the fancy pet boat, the Pearl, had been sold to the rebels to run the blockade, and her transmogrification caused so much curiosity, that when taken from the slip at Renfrew, where she had been for repairs and fitting up, to Glasgow, the anxiety to see what had been done was so great that a guard had to be placed at the gangway to prevent persons coming on board; that the knowledge and conversation was general upon the subject of her being a blockading vessel; that it was published in the Cork papers while she was there; that she not only was then on the voyage, but had already made a voyage to the land of Dixie; that the conversation was general on the voyage that after reaching Nassau said vessel was to run to Charleston or some other Confederate port or ports, for and on account of the Confederates. The sum of the mat-
142 ter seemed to be that no one of the foremast hands would embark a second time in her, as the voyage had been long, tedious, and dangerous; and they thought a more substantial vessel would be preferable for the trade to Dixie. And further deponent saith not.

23d interrogate. To the twenty-third interrogatory the deponent answers that the register of the vessel concerning which he is examined was not examined or endorsed by any officer of the United States, as he believes, before capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers

that said steamer Pearl never run the blockade of any American port, with or without success.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that said vessel has never been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that, to the best of his belief, he thinks said vessel is insured, but as to the goods he cannot say.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he knows not to whom said cargo would belong should it be restored and unladen at its destined port.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that he cannot say where the goods of said captured vessel were
143 manufactured; that they were laden in Cork.

30th interrogate. To the thirtieth interrogatory the deponent answers that said goods were taken on board said captured vessel at Cork, from on board a lighter, while said vessel was lying at the quay, in the month of November, 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers that he cannot tell where any of said vessel's papers be, or whether said vessel had a license from any government.

32nd interrogate. To the thirty-second interrogatory the deponent answers that he does not know if any papers were delivered out of said vessel, or carried off in any manner.

33rd interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage before capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that one passenger was on board said vessel on her sailing from Glasgow in October, 1862, whose name was S. M. Underhill, a Scotsman, of the military profession, and of the rank of color sergeant; that he had no commission; that he was taken on board in Glasgow, in October, 1862; that he was destined for Nassau, and he believes his business was war; that he had no concern or authority in vessel or cargo; that his place of residence was Edinboro'; that two passengers came on board at Queenstown, Ireland;
144 one a Mr. Dundas; that he was an American, a Virginian; that his occupation was that of a planter; that he was destined for Virginia, via Nassau, and intent upon reaching home; that he had no authority or direction in the concerns of vessel or cargo, and resided in Virginia, as he believes; that one, a Mr. McGowen, came on board in November; that he was a Scotsman; that he was destined for Nassau, and was upon the business of the company connected with these ships, as a resident inspecting engineer for said company's steamships; that he had all authority on board said captured "Pearl" over the engine and those persons connected therewith; that said passenger was a resident of Liverpool, England.

35th interrogate. To the thirty fifth interrogatory the deponent answers that he does not know as to the truth or falsity of the papers, writings, and documents, which were found on board said captured vessel, or of whom they were obtained, or how long they were to last; that he knows of no one on board who has a passport or license, or letters of safe conduct; that he has not written of signed any letters or papers concerning said vessel or cargo.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel about half past six o'clock, of the twentieth day of January, 1863, in the morning; that the course steered at that time was north-northeast, and

that she had been on that course some half hour; that the latitude at that time was 23 degrees 16 minutes north, and longitude 77 degrees 35
145 minutes west; that the course was not changed after the appearance of the capturing vessel; that the wind was east by north at that time and until the time of capture; that the course of the vessel was at all times directed to the place to which she appears by the ship's papers to have been destined; that the vessel was not at the time of her capture, or before, sailing beyond or wide of the place to which she was destined by the ship's papers, considering the route designated for her to reach said place; that she was some eighty miles distant from her destined port, as he believes; that said vessel after leaving the harbor of Queenstown, and sailing or steaming nineteen hours, some one hundred and twenty miles, was obliged to bear up, on account of stress of weather and a leak, for Cork, in the month of November, 1862; that said vessel steered and steamed north by east twelve hours, and laid at an anchor twelve hours, previous to capture; that a log-book was kept on board by the first mate; that he cannot tell to what time it was written up; that the engineer should have kept a log-book; that he did keep a log-slate daily, but whether he transcribed said writing from the slate he cannot say; that the United States steam war ship Mohican was seen in St. Vincent's, Cape de Verde, in December, 1862, and the United States steamer Alabama was seen in St. Thomas in January, 1863.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that said vessel was sold by Mr. Henderson to Mr. Wigg in Glasgow, in September, 1862; that he knows not the sum paid for said vessel;
146 that said sale was truly made as he believes, and should the vessel be restored she would belong to Mr. Wigg, and to none other.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on board, or any arms or ammunition belonging to her; that no warlike stores or armament of any kind was on board of her; that no articles intended for military equipment were on board; that the only article which he saw was, either for ship or shore, monkey jackets, which were put on board in Cork, in November, in the year 1862.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that he knows that said vessel was bound from Glasgow to Nassau, N. P., and that her cargo was to be delivered there, as by the vessel's shipping articles, and that the crew, *i. e.*, the foremast men were to be paid off there and discharged; that he believes the said vessel was to be engaged in a trade on this side of the water, and from all the information gained by him, he believes such trade and destination to have been from Nassau to a Confederate port or ports.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under convoy of armed ships.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel never sailed into or out of any blockaded port, by the arms or forces of any belligerent power.

147 42d interrogate. To the forty-second interrogatory the deponent answers that said vessel never sailed carrying a commission or letters as a privateer or letter of marque.

43d interrogate. To the forty-third interrogatory the deponent answers that said vessel did never act or sail in concert or company with armed vessels, pursuing and seizing the persons, vessels, or property of citizens of the United States.

(S'd) JOSEPH CARNAGHAN.

Sworn and subscribed before me this second day of February, eighteen hundred and sixty-three, in Key West.

(S'd) CORNELIUS CURTIS, *Prize Commissioner*.

Deposition of William Jolly, master, before Cornelius Curtis, prize commissioner, at Key West, 3rd February, 1863.

1st interrogate. The first interrogatory the deponent answers that his name is William Jolly; that he was born in Liverpool, England; that he has lived for the last seven years in Liverpool, and that he resides there now, with his wife and family; that he is a subject of Great Britain, and owes allegiance thereto.

2nd interrogate. To the interrogatory the deponent answers that he was present at the capture of the vessel concerning which he is now examined.

148 3rd interrogate. To the third interrogatory the deponent answers that said capture was made on the twentieth day of January, eighteen hundred and sixty-three, on the Bahama Banks, near Channel Rock, some ten miles from the south end of Andros Island; that she was carried into the port of Key West, Florida; that said vessel had no letters or authority to enable her to make prizes; that he knows not why said capture was made, or on what pretence.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under English colors; that she had no other colors on board, except the Marryatt's signals.

5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the capture was made by the United States war ship "Tioga;" that no other vessels were in sight at the time of the capture; that the captured vessel was a merchantman; that said captured vessel belongs to Mr. George Wigg; that the capturing vessel was a ship-of-war, of the force of six guns.

6th interrogate. To the sixth interrogatory the deponent answers that said vessel would first have entered the port of Nassau had she not been captured; that he was instructed to deliver the vessel to Mr. George Wigg, at Nassau, for which service he was to be paid, and further he knows not; that he was, and is entirely ignorant as to the employment or destination of said vessel thereafter, therefore he cannot say what he believes to

149 be the second or third port of entrance for said steamer.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel captured was the Pearl, and that of her master was himself, William Jolly; that Messrs. John and Thomas Johnson appointed him to the command of said vessel in Liverpool; that he has known said vessel some two months; that he took possession of said vessel in Cork, Ireland, in the month of November, 1862; that Mr. Lafown delivered the same to him; that he resides in Liverpool, with his wife and family; that he was born in Liverpool, and is a subject of her majesty Queen Victoria.

8th interrogate. To the eighth interrogatory the deponent answers that said captured vessel is of the burthen of seventy-two tons; that twenty persons comprised the vessel's company at the time of capture; that twenty-one persons were then actually on board said vessel, one a Bahama pilot; that fifteen came on board in Glasgow in October, in the year 1862, and five in Cork, in November, 1862; that they are mostly Englishmen; that he knows not who hired the crew, except two, who came on board at Cork, and the pilot who came on board at the Bahamas; that the agreement for the two which he hired in Cork in November was that they were to have four pounds per month, with one month's advance, to be discharged in Nassau, where they were to receive a bonus of ten pounds; that the agreement with the pilot was that for taking the vessel to Nassau by the nearest route

150 he was to receive two hundred dollars; that for his services in taking

the vessel from Cork to Nassau, he was to receive fifty pounds sterling; that the above agreements were final and not conditional.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of capture, and was master thereof; that he had no part, share, or interest in said vessel or cargo, and he believes no one on board had any part, share, or interest therein at the time of seizure

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some two months; that he first saw her in Cork, in November, 1862; that said vessel was British built; that her name was the Pearl, and he believes she was always called by that name.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel draws when with a full cargo some eight feet of water; that said vessel drew when taken about five feet; the reason why she was not loaded deeper was that she could not carry cargo and coals both and her coals being consumed to within ten tons, she therefore drew but little water at the time of capture.

12th interrogate. To the twelfth interrogatory the deponent answers that said vessel had no passport or sea-brief on board; that he has no knowledge of her movements prior to his taking charge of her in November last;
151 that said vessel sailed from Glasgow in the month of October, 1862, and from Cork in November, 1862, from Corunna, Funchal, St. Vincent's, Cape de Verde, Bridgetown, Barbadoes, in the month of December, 1862, and from St. Thomas, her last clearing port previous to her capture, on the fourteenth day of January, in the year eighteen hundred and sixty-three.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had no lading, save in coal for her own consumption, on her first setting out on her last voyage, but that she had as lading on board when captured ten bales of woolen goods. That they were put on board in the month of October, in the year 1862. That he saw when they were inspected by the captors, that the contents of one bale were monkey jackets. That further he knows not.

14th interrogate. To the fourteenth interrogatory the deponent answers that Mr. George Wigg was owner of the vessel at the time of capture. That he had no other means of knowing said fact than the endorsement of Mr. Wigg's name on the register of the ship. That said Wigg is an Englishman by birth. That he resides in Liverpool. That his wife and family reside in Liverpool. That he knows not to whom they are subject, or where they lived before. That said owner has been in possession for some four months. That he knows not of whom he purchased.

15th interrogate. To the fifteenth interrogatory the deponent answers that he knows of no bill of sale being given for the transfer of the
152 said captured vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that the cargo found on board at the time of capture was put on board in the port of Cork, in the month of October and year 1862. That he knows not the lader or owner of said goods and lading. That the consignee thereof is H. Adderly & Co., of Nassau, N. P. That he knows not of what countrymen said consignees are. That said goods were to have been delivered at Nassau, but at whose risk, benefit, or account, he knows not, nor to whom they would belong should they be restored and unladen at their destined port.

17th interrogate. To the seventeenth interrogatory the deponent answers that he knows not how many bills of lading were signed for said goods, but he presumes two or three were signed; that he has no knowledge of said

bills of lading save that a blank bill was in his possession; that the freight for said goods was forty shillings per ton measurement.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession, but there was on board at the time of capture, a bill of lading, a letter, and the regular vessel's papers, to show the interest of the owners of vessel and cargo, as he believes; that said papers, letters, and bill of lading, were delivered to the captors at the time of seizure, and he believes they were brought to this port, but he cannot tell where or in whose possession they now are

153 19th interrogate. To the nineteenth interrogatory the deponent answers that said vessel was captured in the latitude of 23 degrees 24 minutes north, and in the longtitude of 77 degrees 33 minutes west, at about eight o'clock of the morning of Tuesday, the twentieth day of January, in the year eighteen hundred and sixty-three, on the banks of the Bahamas, near Andros Island; that he knows of no charter party for the voyage; that he knows of no other agreement, verbal or otherwise, concerning the voyage on which the vessel was captured.

20th interrogate. To the twentieth interrogatory the deponent answers that said vessel had on board when she sailed from her last clearing port, before she was taken as prize, a register, crew list, bill of lading, letter to consignee in Nassau, bill of health, bills of expenses, and the clearance at St. Thomas, and the ship's log-book; that none of said papers were burnt or destroyed.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew that the naval forces of the United States held the ports of the southern States under blockade. That he obtained said information from the public newspapers and from other sources.

22nd interrogate. To the twenty-second interrogatory the deponent answers that the port from which said vessel sailed, nor the the port to which she was bound, was under an order of blockade by the government of the United States when said vessel sailed on her voyage of capture; that

154 no endorsement was made on any of the vessel's sea-papers of the blockade; that he had, nor heard, no conversation concerning said vessel's running the blockade either before or after sailing on the voyage of capture.

23rd interrogate. To the twenty-third interrogatory the deponent answers that no officer of the United States examined or endorsed any of said vessel's sea-papers before capture.

24th interrogate. To the twenty fourth interrogatory the deponent answers that said vessel never attempted to enter or sail from any of the said blockaded ports,

25th interrogate. To the twenty-fifth interrogatory the deponent answers that said vessel has never been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture, unless it be by loss of time; that he has not received any indemnity or satisfaction, or promise of satisfaction, for any loss which he may receive by this capture.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he knows not what ports, if any, of said vessel or cargo are insured.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he knows not to whom said goods would belong in case they be restored and unladen at their destined ports.

29th interrogate. To the twenty-ninth interrogatory the deponent

155 answers that he knows not where the goods of said vessel were manufactured; that the lading was in Cork, Ireland.

30th interrogate. To the thirtieth interrogatory the deponent answers that he knows not from whence said cargo was laden; that it was done in Cork, in October, in the year 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers that he knows of no other papers relating to said vessel or cargo other than those placed in his possession in Cork, and which were delivered by him to the captors.

32nd interrogate. To the thirty-second interrogatory the deponent answers that the captors carried from said vessel the papers of her navigation, as before described, at the time of capture, and he cannot say where they now are.

33rd interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage before capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that no passengers were on board said captured vessel.

35th interrogrtory. To the thirty fifth interrogatory the deponent answers that all the papers, as above described, which he had any knowledge of, were entirely true and fair. And further to this interrogatory the deponent says not.

36th interrogate. To the thirty-sixth interrogatory the deponent
156 answers that the capturing vessel was first seen by those on board of the captured vessel about six o'clock of the morning of capture; that the course steered at that time was north northeast, and had been so steered for about an hour; that the latitude of said vessel at that time was 23 degrees 14 minutes north, and the longitude was 77 degrees 35 minutes west; that the course of the vessel was not changed on the appearance of the capturing vessel; that the wind was about southeast at the time the capturing vessel first came in sight, and until the time of capture; that said vessel's course was at all times directed to the port to which she was destined by the ship's papers, and in accordance with her prescribed route; that she was at no time sailing beyond or wide of the port so designated; that said vessel was some one hundred miles distant from her destined port; that her course was not at any time altered to any other port, only as by necessity, to obtain fuel for propulsion and to enable her to make her destined voyage, as per the ship's papers, en route; that of the twenty-four hours previous to capture the courses for twelve hours were west-northwest, and north by east, and north-northeast, and twelve hours at anchor on the Bahama Bank; that a log book was kept on board by the chief mate; that it was written up to the time of capture; that an American man-of-war was seen in St. Vincent, Cape de Verde, in December, and one at St. Thomas in January, 1863.

37th interrogate. To the the thirty-seventh interrogatory the deponent
answers that said vessel was transferred to Mr. Wigg, but by whom
157 he cannot say; that it was done in Glasgow in September, 1862; that he knows not the sum paid for said vessel; that said transfer was truly made and that should she be restored, she will belong to the said George Wigg and no other.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on board, and that no arms or ammunition were on board as belonging to her; that said vessel had no naval or military stores or armament on board of any character or description, unless said seaman's jackets be such.

39th interrogate. To the thirty ninth interrogatory the deponent answers that he believes said vessel belongs to Mr. George Wigg, and that she was destined for Nassau, N. P.; that as to the cargo he only knows that it was to be delivered to Messrs. H. Adderly & Company at Nassau; that he has no

belief or knowledge as to the future business or destination of said vessel. And further saith not.

40th interrogate To the fortieth interrogatory the deponent answers that said vessel did never, as he believes, sail under the convoy of any armed ship or vessel.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel did never sail into or out of any blockaded port by the aid or force of any belligerent power, as he believes.

158 42nd interrogate. To the forty-second interrogatory the deponent answers that said vessel did never, as he believes, sail carrying a commission as a privateer or letter of marque.

43rd interrogate. To the forty-third interrogatory the deponent answers that said vessel did never act or sail in concert with any armed vessel cruising against the property or persons of loyal citizens of the United States.

(S'd) WILLIAM JOLLY.

Sworn and subscribed before me, in Key West, this third day of February, eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS,
Prize Commissioner.

Deposition of William Latimer, a seaman, before Cornelius Curtis, prize commissioner at Key West, 4th February, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is William Latimer; that he was born in Glasgow, Scotland; that he has lived for the last seven years in Glasgow, with his wife and family; that he is a citizen of Scotland and owes allegiance to the British queen, Victoria.

2nd interrogate. To the second interrogatory the deponent answers that he was present at the taking of the vessel concerning which he is now examined.

159 3rd interrogate. To the third interrogatory the deponent answers that said capture was made on the banks of the Bahamas, on the twentieth day of January, in the year eighteen hundred and sixty-three, and that she was brought into this port of Key West, Florida; that said vessel was seized on account of her being about to be engaged in an illegal trade, viz, running the blockade to Charleston.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under the British flag; that said vessel had also on board two setts of Marryatt's signals, old and new; a new house flag, and a Confederate flag; that said flags were on board for the use of said steamer on her future business of navigation between Nassau and Charleston.

5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the capture was made by the "Tioga;" that no other vessels were in sight at the time of the capture; that the captured vessel was a merchantman; that said vessel was owned by George Wigg, or that he bought said vessel for the Confederate government as he believes; that the capturing vessel was a ship-of-war of the United States, and of the force of six guns.

6th interrogate. To the sixth interrogatory the deponent answers that said vessel would have first entered the port of Nassau had she not been seized; that Charleston would have been the second, and Nassau
160 would have been the third port of entrance as he was informed by the second master, and as he believes.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel seized was the Pearl, and that of her master was Maxted, under whom he shipped or engaged, Irvin, under whom he sailed from Glasgow, and Jolly, under whom he was captured; that he does not know who appointed Maxted; that Maxted appointed Irvin in Glasgow; that he knows not who appointed Jolly; that he believes said Jolly was appointed in Liverpool; that he has known said vessel three years, and the present acting master three months; that said master took possession of said vessel in Cork in November, in 1862, and the same was delivered to him by a Mr. Lafone who came from Liverpool, who had full powers for the management of the business of the vessel; that he knows not where said master lives; that he believes he was born in England, and is a British subject.

8th interrogate. To the eighth interrogatory the deponent answers that the said vessel is of the burthen of seventy-two tons; that twenty persons comprised said vessel's company at the time of capture; that twenty-one persons were then actually on board, one being a pilot; that they are of the United Kingdom; that fifteen came on board at Glasgow, Scotland, in October, 1862, and five came on board at Cork and Queenstown, Ireland, in November, 1862, and the pilot came on board off Lobos Island light in January, 1863; that those who shipped in Glasgow were hired by
161 Captain Maxted; those in Cork by Captain Jolly, and those in Queenstown by some one in Liverpool as he believes; that the shipping wages, as expressed upon the articles and signed by the ship's company, were four pounds per month, with one month's advance for the seamen; four pounds five shillings per month for the firemen, and on being discharged in Nassau, as per articles, they were all to receive ten pounds bonus; that the master and officers made a special agreement beyond the articles, viz., a six months' engagement by Captain Irvin at twenty-five pounds a month, and one hundred pounds a trip on entering a Confederate port, and the same on entering a return port, viz., Nassau; that the first mate, Mr. Dickie, had also a six months' engagement made with Mr. Wigg in writing in the shipping office in Glasgow for the sum of fourteen pounds sterling per month; that so far as the articles of agreement all was true and absolute in order for the discharge in Nassau; that they (he) were told that as they might agree on arriving in Nassau, an opportunity would be offered the firemen and seamen to re-enter as such, and be paid the wages of that port, which would put money in their pockets; that this was told himself and his shipmate, Charles Nelson, by Captain Maxted, in Glasgow, before they shipped, while working on board said vessel, changing her rig, at day's wages; that he had shipmates in Glasgow who had been in the Confederate service, and who had sailed under the Confederate flag from Nassau, who informed him of the offers made, and terms given in Nassau, viz., ten pounds per
162 month, and fifteen pounds bonus on reaching a Confederate port, and the same on entering the port of Nassau, or any other, from a Confederate port. This understanding and knowledge was a further inducement for him to ship in said vessel, and sign said articles, which of themselves were absolute, and only part conditional on future voyages.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of capture, and was an able seaman on board; that no one on board had any part, share, or interest in said vessel or cargo, as he fully believes, at the time of her capture.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel some three years, and that he first saw her in the Clyde in the year 1859; that she was built on the Clyde; that her name was always the "Pearl."

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel draws when with a full cargo some six feet of water, and she drew when captured some four feet of water; that said vessel on making this voyage, for which she was constructed, was obliged to take as much coal on board as would load her deeply, thereby preventing her carrying cargo, thus, when the fuel was consumed, she would draw but little water, which was always the case before entering port; that this light draft of water enabled her to take this unusual route across the banks of the Bahamas, which was projected before leaving home.

163 12th interrogate. To the twelfth interrogatory the deponent answers that he knows of no passport or sea-brief on board; that said vessel sailed on her last voyage on the river Clyde in Glasgow; that she carried no cargoes, being exclusively used as a passenger and excursion boat, and having no room or space for cargo, the cabin occupying the whole space below the deck not used by the engines; that said vessel sailed from Glasgow in October, from Cork in November, from Corunna, Funchal, St. Vincent's, and Barbadoes in December, all in 1862, and from St. Thomas, her last clearing port previous to capture, in the month of January, 1863.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel carried coals only as lading on her first setting out on her voyage of capture; that she had on board as lading, when captured, ten bales of woolen goods; that the same was put on board in the month of October, in the year 1863.

14th interrogate. To the fourteenth interrogatory the deponent answers that he does not know who the owners of said vessel were at the time of the capture; that he saw by the Glasgow and Cork papers that said steamer was owned by the Confederate government, and such was the well-known fact in Glasgow before sailing, and such he believed then, and he has no reason to think that such was not the case when she was captured; that such owners are citizens of the southern States of America; that

164 they have been in possession some four months, and they purchased of Mr. Henderson, Coulbourn & Co., of Renfrew, builders and machinists.

15th interrogate. To the fifteenth interrogatory the deponent answers that he knows of no bill of sale being given for said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that the cargo found on board said vessel at the time of capture was first put on board in Cork in the month of October, in the year 1863; that he has no knowledge of laders, owners, or consignees; that he knows not who had any interest in said goods or to whom they would belong if unladen.

17th interrogate. To the seventeenth interrogatory the deponent answers that he knew of no bills of lading signed for said cargo; that he knows not what freight was to be paid for said goods.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession, nor does he know, if there were on board any papers, writings, or any documents to prove the interest of any one in vessel or cargo; that he saw no papers in the possession of any one relating to said vessel or cargo, save the shipping articles.

19th interrogate. To the nineteenth interrogatory the deponent answers that he knows not the degrees of latitude or longitude of said vessel at the time of capture; that the capture was made between the hours of

165 seven and eight o'clock of the morning of Tuesday, the twentieth day of January, in the year eighteen hundred and sixty-three, some seven miles from the rocks or keys on the Bahama Bank; that no charter-party was signed for this voyage of capture, as he believes, and he knows of no

agreement, verbal or otherwise, concerning this voyage on which she was captured.

20th interrogate. To the twentieth interrogatory the deponent answers that he does not know what papers, bills of lading, letters, or writings were on board of the vessel when she took her departure from her last clearing port before she was taken as prize. That he has seen no papers burned or destroyed on board said vessel.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew that the ports of the south were under blockade by the naval forces of the United States, as did the master and all on board; that he and all only had to hear and read, to know it; that every child, almost, knew it in Glasgow.

22d interrogate. To the twenty-second interrogatory the deponent answers that neither the port from which she sailed nor the port to which she was bound was under an order of blockade by the government of the United States at the time of her departure on the voyage on which she was captured. That no notice in writing was given, as he believes, of the
166 blockade of any port. That in Glasgow and in Cork, before the sailing on this voyage of capture, and on board after the sailing, conversation was frequently had by officers and crew respecting the final destination of the steamer Pearl; that the general assertion and conclusion of such conversation was, and all her fitments and alterations agreed therewith, that said vessel was, on reaching Nassau, to be put in good order, and run thereafter between Nassau and Charleston, to carry goods and lading for the Confederates, where the prices of everything were fabulous.

23d interrogate. To the twenty-third interrogatory the deponent answers that he knows not if the register of said vessel was examined and endorsed by any officer of the United States before capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that said vessel never run the blockade with or without success.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that said vessel has never been seized or condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture. That he has not been paid or promised any indemnity or satisfaction for any loss which he may sustain by this captute and detention.

27th interrogate. To the twenty-seventh interrogatory the depo-
167 nent answers that he knows not whether said vessel or cargo be insured.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he cannot tell, for he does not know, to whom said cargo would belong should it be restored and unladen at its destined port.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that of the place of manufacture of said cargo he knows not. That they were laden in Cork, Ireland.

30th interrogate. To the thirtieth interrogatory the deponent answers that said cargo was taken on board said captured vessel while she was lying at the quay in Cork, in the month of October, 1863, from a lighter, a powder boat, early in the morning, before the vessel's company were out of their berths.

31st interrogate. To the thirty-first interrogatory the deponent answers that he knows of no papers concerning said vessel or cargo, save, as before said, the shipping articles, which he signed in Glasgow.

32d interrogate. To the thirty-second interrogatory the deponent answers that he saw no papers delivered out of said vessel by any one or to any

person, and knows not where any papers connected with said vessel now are.

33d interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage of capture.

168 34th interrogate. To the thirty-fourth interrogatory the deponent answers that one passenger sailed from Glasgow in said vessel; that his name was Underhill; that he was a Scott; that his occupation was a clerk; that he came on board in Glasgow in October, 1862; that he was destined for the south, via Nassau, and upon the business of a soldier; that he had no interest or authority in either vessel or cargo; that he resided in Edinboro', Scotland. That two came on board in Cork. That the name of one was McGowen; that he was a Scott and an inspector of machinery; that said McGowen had a commission from said shipowner's company to inspect their machinery in Nassau; that McGowen joined in Cork in October, 1862; that he was destined for Nassau on the business of the company to inspect the engines of their vessels running in the business of the blockade; that said McGowen had unlimited authority over the engineers and firemen of said captured vessel, and while on board used said authority by directing changes and repairs to said vessel's engines and boilers; that said passenger resided in Liverpool, he believes. That the other passenger's name was Dundas; that he was an American, and he knows not his occupation; that he came on board in Cork or Queenstown in November, 1862; that he was destined for Nassau on his way home, as he believes; that he had no interest in vessel or cargo, and your deponent cannot say where said Dundas resided when at home.

35th interrogate. To the thirty-fifth interrogatory the deponent
169 answers that he cannot say whether said vessel's papers, which were found on board at the time of capture, were true or false. That he knows not where they were obtained, or when. That he knows of no one having any passport, license, or letters of safe conduct. That he has not written or signed any letters concerning said vessel or cargo.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel about half past six o'clock a. m. of the twentieth day of January, 1863. That he cannot tell what course was steered at that time, or at the time of the capture. That he knows not her position on the chart at that time. That the course of the vessel was not changed after seeing the capturing vessel. That the wind was east-southeast from six o'clock until the time of capture. That said vessel was at all times directed to the port to which she was destined by the ship's papers, when the weather would permit. That she was not at any time sailing beyond or wide of the place to which she was bound by the said ship's papers, and as arranged before departure. That at one time in November, about eighteen hours after leaving Cork, said vessel put back again to Cork on accoun[t] of stress of weather, and of her being so frail a shell of a boat. That said vessel, for the twenty-four hours previous to capture, had taken a pilot on board, off the light-house on Lobos Key, and sailed under his direction over a shoal and rocky bottom toward the port of Nassau until about dark, when the vessel anchored and where she re-
170 mained until daylight the next morning, when she was again started for her destination, and at about eight o'clock a. m. their voyage was changed for Key West, Florida. That a log-book was kept on board by the chief mate. That he knows not when it was written up or to what time previous to capture. That an American man-of-war was seen at St. Vincent's, the Mohican, and one, the Keystone State, as he understood, in St. Thomas, in January, 1863.

37th interrogate. To the thirty-seventh interrogatory the deponent answers

that said vessel was sold by Mr Henderson in Glasgow, in the month of September, 1862, to Mr. Wigg, for the company of the south, and for the sum of seven thousand pounds sterling, as he understood. That he believes said sum was paid and satisfied. That he believes the said sum was a very large price for said captured vessel, at that time. That he believes that should said vessel be restored she would revert to said Wigg, for and on account of his principals, the Confederate company aforesaid, and to none others.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on board said vessel. That no arms or ammunition were on board belonging to her. That said vessel had no military equipments on board, of any name or character. That she had no military stores on board, unless it be the ten bales of monkey jackets aforesaid.

171 39th interrogate. To the thirty ninth interrogatory the deponent answers that he knows that said vessel was destined for Nassau, and he fully and really believes that after reaching that port she was to be used as a Confederate vessel to run the blockade between Nassau and Charleston and carry goods between the two ports. That his belief is grounded upon information given him in Glasgow in September, 1862, and upon her whole subsequent proceedings. That he knew said vessel from the time she was built; that he wrought upon her after she was purchased for the Confederates by Mr. Wigg, and assisted in making her alterations and fitting her for this intended voyage. That her cabin was wholly removed from below the deck and placed above deck to make space for carrying cargo. That two extra coal-bunkers were made in her that she might carry coals clear of her cargo stowage for the above special service.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under the convoy of an armed vessel.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel never sailed into, or out of, any blockaded port by the aid or forces of any belligerent power.

42d interrogate. To the forty-second interrogatory the deponent answers that said vessel never sailed carrying letters or license as a privateer or letter of marque.

43d interrogate. To the forty-third interrogatory the deponent an-
172 swers that said vessel never sailed or acted in concert with any armed vessel in cruising against or seizing the property or persons of the loyal citizens of the United States.

(S'd) WILLIAM LATIMER.

Sworn and subscribed before me, in Key West, this fourth day of February, eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS,
Prize Commissioner.

Deposition of James Duffie, fireman, before Cornelius Curtis, prize commissioner, at Key West, 5th February, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is James Duffey; that he was born in Glasgow, Scotland; that he has lived for the last seven years in Glasgow, Scotland, with his wife and family, where he now lives; that he is a citizen of Scotland, and owes allegiance to Great Britain.

2d interrogate. To the second interrogatory the deponent answers that he was present at the taking of the vessel concerning which he is now examined.

3d interrogate. To the third interrogatory the deponent answers that said

capture was made on the Bahama Banks, on the twentieth day of January, in the year eighteen hundred and sixty-three, about seven miles from the Keys, and carried into the port of Key West; that said seizure was
173 made on account of some informalities in the papers and cargo.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under English colors; that said vessel had a number of flags on board as signals; and on the twentieth day of January said vessel had on board a Confederate flag; that such flags were to be used on board of said steamer Pearl, he believes, while engaged in the Confederate trade, after reaching Nassau, and he believes such more fully from this circumstance, that on said twentieth day of January aforesaid, after the capturing vessel had fired two guns, one a shotted gun, he saw Captain Jolly come from the cabin with a parcel in a newspaper, which he handed to the chief mate, and the mate, Mr. Dickie, handed the same to the chief engineer, and Mr. Walker, the chief engineer, put the same parcel, so handed him, into the port side fire of the after boiler, where it was consumed, the said paper parcel being a Confederate flag which which was on board the steamer Pearl, as he fully believes, and was purchased in Glasgow to be used as above.

5th interrogate. To the fifth interrogatory the deponent answers that no resistance was made at the time of capture; that three guns were fired by the captors; that the capture was made by the U. S. steamship Tioga; that no other vessels were in sight at the time of the capture; that the captured vessel was a merchantman; that said vessel belonged to or was purchased by Messrs. John and Thomas Johnson, of number six Water street, Liverpool; that the capturing vessel was a war ship of the United States
174 and of the force of six guns.

6th interrogate. To the sixth interrogatory the deponent answers that said vessel would first have entered the port of Nassau had she not been seized, and that the second port of entrance would have been a port in the Confederate States, Charleston, and the third port would have been Nassau.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel captured was the Pearl, and that of her master was Jolly; that said master was appointed to the command by the Messrs. J. & T. Johnsons, of and in Liverpool; that he has known the vessel some three years, and the master some three months; that the master took possession of said vessel in Cork, and a Mr. Lafone delivered the same to him; that he knows not where said master resides, or whether he had a family, or where he was born; that he believes him to be a subject of Great Britain.

8th interrogate. To the eighth interrogatory the deponent answers that the burthen of said vessel is seventy-two tons; that twenty persons belonged to the company of said vessel at the time of capture; that twenty-one were actually on board at that time, one being a Bahama pilot; that they are of the British nation; that fifteen came on board at Glasgow, in October, 1862, and five came on board in Cork, in November, 1862; that those of Glasgow were hired by Captain Maxted, in October, 1862; those of Cork were hired, two of them by McGowen, in Liverpool, in November, and the two
175 seamen were hired by Captain Jolly, in Cork, by and with the sanction and order of Mr. Lafone; that the terms of the shipping agreement was to the effect that the firemen were to have four pounds five shillings per month, and one month's advance, and they and all hands on board were to be discharged before the civil authority in Nassau, on reaching there, and were to receive ten pounds over and above the monthly wages, which sum was to pay their passage home; that said agreement was absolute as regards the firemen and seamen; that the chief mate and the first and second engi-

neers' agreement, as per articles, were not absolute, inasmuch as that they entered into a private contract with the agents of said ship to serve on board her six months, on her projected business, after reaching Nassau; that the terms were to be a sum equivalent to three months' pay on entering a Confederate port, and three months' pay on sailing therefrom successfully over and above their monthly wages, which monthly wages were still to be continued and paid them as well as the three months' bonus.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of her capture, and was fireman thereof; that he had no share or interest in said captured vessel or cargo at the time of capture, and he believes no one on board had any.

10th interrogate. To the tenth interrogatory the deponent answers that he has known said vessel three years, and first saw her on the stocks;
176 that she was built at Renfrew, on the Clyde; that her name was the Pearl, and that she was always called by that name.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel drew seven feet of water when with a full cargo on board; that she drew when captured about five feet aft; that said vessel could only carry coals for consumption, to enable her to sail from port to port, and hence she drew more sailing from a port and less arriving at a port on her projected voyage, and could carry, besides, no weight of cargo.

12th interrogate. To the twelfth interrogatory the deponent answers that he does not know as to a passport or sea-brief; that said vessel was built for and ran on the river Clyde as a pleasure or passenger vessel; that she carried no cargoes up to the time of this projected voyage and capture; that she sailed from the port of Glasgow in October, 1863; from Cork, Ireland, in November, 1863; from the ports of Corunna, Funchal, St. Vincent's, and Barbadoes, in the month of December, 1862; and from the port of St. Thomas, her last clearing port previous to capture, in the month of January, 1863.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel carried as her lading coals only on her first setting out on her voyage of capture; that she had on board when captured ten bales of woolen goods; that the same was put on board in the month of October, in the year 1862; that said goods comprised, as he believes, ten bales of
177 seamen's monkey jackets.

14th interrogate. To the fourteenth interrogatory the deponent answers that said vessel was owned at the time of the capture, as he believes, by the Messrs. Johnsons, as agents for the Confederates; that he believes this for the reason that all the information which he ever received of the proceedings and movements of this vessel and voyage led in that direction, and he has as yet learned no variation therefrom; that the Johnsons are English by birth; that they reside in Liverpool, England; whether they are married or where they resided before, he cannot say; that the present owners have been in possession of the Pearl four months and upwards.

15th interrogate. To the fifteenth interrogatory the deponent answers that he knows not of any bill of sale for said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that the lading found on board said vessel at the time of her capture was first put on board in Cork, in the month of October, and year 1862; that he knows not either lader, owner, or consignee; that they were bound for Nassau, and to be delivered there as he believes; that he knows not to whom the said goods would belong should they be restored and unladen at their destined port.

17th interrogate. To the seventeenth interrogatory the deponent answers that he knows of no bill of lading for said goods seized on board.

18th interrogate. To the eighteenth interrogatory the deponent
178 answers that he has not in his possession nor does he know of any papers or documents showing the interest of any one in said vessel or cargo; that he knows not where any of said vessel's papers now are; that he saw papers of said vessel in the hands of the captors, as he believes.

19th interrogate. To the nineteenth interrogatory the deponent answers that said vessel was captured on the Bahama Banks, some seven miles from the rocks or reefs, about eight o'clock of the morning of Tuesday, the twentieth day of January, in the year eighteen hundred and sixty-three; that he knows of no charter-party or other agreement concerning the voyage on which the vessel was captured except the agreement of wages.

20th interrogate. To the twentieth interrogatory the deponent answers that he cannot state the names of the several documents which were on board said vessel at the time she took her departure from her last clearing port; that papers and letters were on board at that time; that at the time of capture, before the captors boarded said vessel, the mate, Mr. Dickie, took from his pocket a packet of papers and handed the same to the engineer, Mr. Walker, while both were upon the fore grating of the engine-room; Mr. Walker placed the same in his pocket, and instantly passed into the engine-room; that immediately thereafter Mr. Walker received the flag aforesaid, which was seen to be put in the fire, by deponent, but he saw not the
179 papers burned, tho' he believes said papers were concealed by the said parties in some place to him unknown.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew, and all knew, that the ports of the south were *were* blockaded by the naval forces of the United States. That he and all persons had such knowledge from the public prints.

22d interrogate. To the twenty-second interrogatory the deponent answers that neither the port from which said vessel sailed nor the port to which she was bound was under an order of blockade by the government of the United States; that he believes no notice in writing had been endorsed upon any of the ship's papers before seizure; that conversation was had time and again, by officers, engineers, and many others, of the future destination of this vessel before and after sailing; that her business and intent was to run the blockade after reaching Nassua; that Charleston was the main and principal port mentioned; that prospects were consulted, wages were mentioned, extra pay or bonus was talked of, and the matter handled in various ways until the tediousness and unpleasantness of the long round-about voyage made its own cure, and Nassau was the thing most anxiously looked for from cabin to forecastle.

23d interrogate. To the twenty-third interrogatory the deponent answers that he has no knowledge of the ship's papers being examined or endorsed by any officer of the United States before capture.

24th interrogate. To the twenty-fourth interrogatory the deponent
180 answers that said vessel never entered any of the blockaded ports.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that said vessel has never been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss by this capture; that he has not been promised any satisfaction or indemnification for any loss which he has or may sustain by this capture and detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that said vessel, he believes, to be insured at Lloyds; that he knows not at what rate; of the cargo he cannot say.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that had the vessel arrived at her destined port and her cargo unladed, he cannot say to whom it would belong.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that he knows not the manufacture of said goods; that they were laden in Cork, Ireland

30th interrogate. To the thirtieth interrogatory the deponent answers that said cargo was laden from a lighter in Cork, in the month of October, and year 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers that there are not, to his knowledge, papers, other than those delivered to the captors, concerning the vessel about which he is now examined.

181 32d interrogate. To the thirty-second interrogatory the deponent answers that papers were delivered to the captors on the twentieth day of January, 1863, and by them taken from the ship; that he knows not now where any of said papers are.

33d interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage of capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that one passenger, whose name was Underhill, sailed from the port of Glasgow, in the month of October, in said vessel; that he belonged to Edinboro', Scotland; that his profession was that of a soldier; that his destination was the Confederate States, via Nassua, upon the business of war, and to obtain a commission through the aid and agency of the managers of this priceless enterprize. That a passenger by the name of Dundas, a southerner or Confederate, took passage in Cork, in November; that he was finally destined for South Carolina, where he had a plantation and a number of slaves, and his business was to endeavor to reach home to rescue his land and his negroes; that his residence had been in some place in South Carolina. That a passenger by the name of McGowen, a Scotsman, came on board in Cork, whose occupation was a superintendant engineer; that said McGowen had a commission or authority from the agents in Liverpool; that he was finally destined to Nassau to superintend the machinery and engines of the vessels of this company, as resident superintendent;

182 that said passenger had full authority and power, and direction over the whole matters connected with the Pearl, and so exercised it while on board; that he resided in Liverpool.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that he cannot say as to the truth or falsity of the papers found on board said vessel; that he knows of no passport on board.

36th interrogate. To the thirty-sixth interrogatory the deponent answers that the capturing vessel was first seen by those on board the captured vessel about seven o'clock of the morning of capture; that he has no knowledge of the courses steered; that the vessel was on the Bahama Bank; that he knows not the course of the wind at the time; that he cannot say anything as to the ship's course on the voyage of capture; that said vessel came a long way round, and he believes she sailed a great many miles, and as she was within a hundred miles of her destined port he supposed her sailing was all right as to destination; that a ship's log-book was kept by the mate, Mr. Dickie; that it was written up to the day of capture; that an engineer's log-book was kept by the engineer, Mr. Walker, and that it was written from the slate daily; that a United States man-of-war was seen in St. Vincent's, Cape de Verde, in December, 1862, and one in St. Thomas, in January, 1863.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that said vessel was sold by Mr. Henderson to Messrs. J. and Thos Johnson, in Glasgow, in September, 1862; that the sum of eight thousand five

183 hundred pounds was paid therefor; that the money was paid in cash, he believes; that said sum was a very large one to pay for so small

and shell of a vessel as her; that should she be restored she will belong to the agents aforesaid, Messrs. John and Thomas Johnson, as custodians of the Confederate parties.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted, nor was there any arms or ammunition on board said vessel, as belonging to her; that there were no warlike, or naval, or military stores or implements on board; that said ten bales of woolen jackets were the only article of trade or commerce on board

39th interrogate. To the thirty-ninth interrogatory the deponent answers that he knows that he joined said vessel in the slip at Renfrew, at the builder's yard, before the alterations of said vessel were completed; that he knows that her cabins, which occupied all the space below her deck, save what was needed for the machinery, were all taken out and space made for cargo; that two new coal-bunkers were put in her; that two new masts were placed in her, and that she was laden with coal and was despatched for Nassau, to which place he signed articles to go in her; that she had almost reached the port, and was captured; that he really believes that said vessel was to be turned over in Nassau to her owners, through Mr. George Wigg, who was to precede them to Nassau by another route for that purpose; and that thereafter the said vessel was to sail into the Confederate port of Charleston with the Confederate flag flying, which
184 was procured and brought on board in Glasgow for that purpose; all this he believes, and he knew and believed the aforesaid at the time of the capture of the said steamer Pearl.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under convoy.

41st interrogate. To the forty first interrogatory the deponent answers that said vessel never sailed into or out of a blockaded port.

42d interrogate. To the forty-second interrogatory the deponent answers that said vessel never sailed as a privateer or letter of marque.

43d interrogate. To the forty-third interrogatory the deponent answers that said vessel never sailed or acted in concert with an armed vessel.

(S'd) JAMES DUFFEY.

Sworn and subscribed before me, in Key West, this fifth day of February, eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS,
Prize Commissioner.

Deposition of John McKay, cabin steward, before Cornelius Curtis, prize commissioner, at Key West, 6th February, 1863.

1st interrogate. To the first interrogatory the deponent answers that his name is John McKay; that he was born in Glasgow, Scotland; that he has lived for the last seven years in Glasgow; that he now lives there;
185 that he is a citizen of Scotland, and owes allegiance to the British crown; that he is not married.

2nd interrogate. To the second interrogatory the deponent answers that he was present at the taking of the vessel concerning which he is now examined.

3rd interrogate. To the third interrogatory the deponent answers that said vessel was taken on the Bahama Banks, on the twentieth day of January, in the year eighteen hundred and sixty-three, and was carried into the port of Key West, Florida; that she was seized on suspicion of going to run the blockade.

4th interrogate. To the fourth interrogatory the deponent answers that said vessel sailed under the English colors; that she had the Confederate

flag on board, as he believes; that she had such other colors for the purpose of running the blockade of the southern ports of the Confederacy.

5th interrogatory. To the fifth interrogatory the deponent answers that no resistance was made at the time of the capture; that three guns were fired by the capturing vessel; that the capture was made by the steamship Tioga; that no other vessels were in sight at the time of the capture; that the captured vessel was a merchantman; that the vessel belonged to Mr. George Wigg; that the capturing vessel was a ship-of-war of the United States, and was of the force of six guns.

6th interrogate. To the sixth interrogatory the deponent answers
186 that said vessel would have first entered the port of Nassau had she not been seized; that Charleston, S. C., would have been her second port of entrance, and the third would have been Nassau, according to his best belief.

7th interrogate. To the seventh interrogatory the deponent answers that the name of the vessel captured was the Pearl; that the name of the master was William Jolly; that he was appointed to the command in Liverpool, but by whom he cannot say; that he has known the vessel some five years, and the master some three months; that he took possession of her in Cork, in December, 1862, and that she was delivered to him by Captain Irvin, the former master, who sailed in her from Glasgow to Cork, and who was appointed from the position of mate of said ship, to be master thereof, by Captain Maxted, who was then master; that this appointment was made early in October, 1862; that he believes Mr. Wigg appointed Captain Maxted to the command in September, in Glasgow, 1862; that Captain Jolly resides in Liverpool with his wife and family; that he knows not where he was born; that he is a citizen of England, as he believes.

8th interrogate. To the eighth interrogatory the deponent answers that the said vessel is of the burthen of seventy-two tons; that twenty persons comprised said ship's company when seized, and twenty-one was then actually on board of her; that the crew are chiefly Scotsmen; that fifteen came on board at Glasgow, in October, 1862, and the five who joined in Cork came on board in November, 1862; that those who shipped in Glas-
187 gow were hired by Captain Maxted; that he shipped for the sum of four pounds four shillings per month, and to be discharged in Nassau on the arrival of the vessel there, and to be paid ten pounds as a bonus on being thus discharged; that was the agreement as per ship's articles of contract which he signed in Glasgow before a shipping master of the crown, Mr. Duncan; that he was promised by Captain Maxted a continuance of his position on board after reaching Nassau at double wages, viz., eight guineas per month, to run in her future trade between Nassau and the port of Charleston, and the engineers, he believes, had a private agreement with the said owner to act for the space of six months on board said steamer Pearl, at what rate of compensation he cannot say.

9th interrogate. To the ninth interrogatory the deponent answers that he belonged to said vessel's company at the time of her capture, and that he was acting in the capacity of steward. That neither himself or any one on board ship had any interest in either vessel or cargo at the time of her capture.

10th interrogate. To the tenth interrogatory the deponent answers that he has known the said vessel some five years; that he first saw her in Glasgow in the year 1858; that said vessel was built in Renfrew, on the Clyde; that her name was the "Pearl," and was always so called.

11th interrogate. To the eleventh interrogatory the deponent answers that said vessel drew when with a full cargo on board some six feet of
188 water; that she drew when captured about four feet of water; that she drew so little water because her lading of coals were burned out,

and she had no weight of cargo on board; that she could not carry cargo and coals both, for the reason that she wanted all her burthen to carry fuel, to enable her to reach from port to port in making her voyage for this future business of the Confederate trade.

12th interrogate. To the twelfth interrogatory the deponent answers that he does not know what papers she had on board, or whether she had a passport or sea-brief on board. That said vessel was built expressly by her owners for the passenger and excursion trade upon and about the river Clyde; that she had no capacity for freight, her cabin occupying all the space below deck not required for the engine, and being a very fast and popular boat, she had always passengers, and carried no freight or cargoes; that she sailed from Glasgow on her present voyage in the month of October, 1862, and from Cork in November, 1862; from Corunna, Spain, Funchal, Madeira, St. Vincent's, Cape de Verde, and Bridgetown, Barbadoes, in the month of December, 1862; and from St. Thomas, her last clearing port previous to the capture, in the month of January, the fourteenth day thereof, in the year eighteen hundred and sixty-three.

13th interrogate. To the thirteenth interrogatory the deponent answers that said vessel had as lading on her first setting sail on her last voyage, coals; that she had as lading when captured ten bales of woolen
189 goods; that the same were taken on board in the month of November, in the year 1862; that those ten bales were composed of blue woolen jackets.

14th interrogate. To the fourteenth interrogatory the deponent answers that the owner of said vessel at the time of capture was Mr. George Wigg, or he was the managing agent for a company who did own said vessel, and who owned her when captured, as he believes, for he heard or saw of no transfer since said Wigg purchased, in September last, for said parties; that said Wigg is an Englishman by birth; that he resides in Liverpool, as he believes; that he knows not if he has a family; that the present owners have been in possession some four months, and that they, through said George Wigg, purchased of the builder and former owner, Mr. James Henderson, as he believes.

15th interrogate. To the fifteenth interrogatory the deponent answers that he knows of no bill of sale for said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers that the cargo or lading found on board said vessel at the time of her capture was first put on board of her in Cork, Ireland, in the month of November, in the year 1862; that he does not know the laders, owners, or consignees thereof; that said cargo was to be delivered at Nassau, but at whose risk or benefit he cannot say; that said goods of lading compose ten bales of seamen's blue cloth monkey jackets, some hundreds, he believes; that he knows not to whom said jackets would belong should they be re-
190 stored and unladen at the destined port, tho' he believes they would belong to the company aforesaid, and to none others.

17th interrogate. To the seventeenth interrogatory the deponent answers that he knows of no bill of lading for said goods; that he knows not for what freight said goods were shipped.

18th interrogate. To the eighteenth interrogatory the deponent answers that he has not in his possession, nor does he know that there were on board at the time of capture, any bills of lading, invoices, letters, or other writings, to prove or show the interest of any one in the said vessel or the goods concerning which he is now examined; that he saw papers relating to the vessel, as he believed, last in the hands of the captors, but he knows not where they are kept, or by whom brought into this district, or what the contents were.

19th interrogate. To the nineteenth interrogatory the deponent answers that he cannot state the degrees of latitude or longitude in which said vessel was captured; that the capture was made about eight o'clock of the morning of the twentieth day of January, in the year eighteen hundred and sixty-three, on the banks of the Bahama Islands, about seven miles from the rocks or keys; that he has no knowledge of any charter-party or of any agreement, verbal or otherwise, concerning the voyage on which the said vessel was captured.

20th interrogate. To the twentieth interrogatory the deponent answers that he knows not what papers were on board said vessel at the time
191 she took her departure from her last clearing port before she was taken as prize; that he saw no papers burnt, torn, or destroyed in any manner on board said captured vessel.

21st interrogate. To the twenty-first interrogatory the deponent answers that he knew, and the master knew also, that the ports of the South were under blockade by the naval forces of the United States; that he had such information from the public prints and from other sources; that it was general and universal.

22d interrogate. To the twenty-second interrogatory the deponent answers that neither the port from which said vessel sailed nor the port to which she was bound by her papers were under an order of blockade by the government of the United States at the time the vessel sailed on the voyage upon which she was captured; that no warning, or notice, or endorsement had been given or made of such blockade on the ship's papers; that conversation was had with Captain Maxted before sailing, of the future destination of the Pearl after reaching Nassau, and inducements of higher wages were offered for him to continue in the vessel if he had a mind; that he heard no one of the officers of said vessel speak of her future engagements, for the reason that if anything of that nature was to be said he was ordered to leave the cabin, but he heard the matter quite freely talked of by the crew of said vessel as to her business after arriving at Nassau, and as to her destination, which seemed to be well understood to be Charleston; that both in Glasgow and Cork the subject was discussed by those connected with
192 the business of the vessel, and also by those not so connected, that the Pearl was bound for the Confederacy, and to be engaged in running the blockade, as many were which had gone before her.

23d interrogate. To the twenty-third interrogatory the deponent answers that he has no knowledge of the ship's papers having been examined or endorsed before capture by any officer of the United States.

24th interrogate. To the twenty-fourth interrogatory the deponent answers that he knows that the Pearl has never run the blockade.

25th interrogate. To the twenty-fifth interrogatory the deponent answers that she has never been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers that he has sustained no loss as yet by this capture; that he has not been promised any satisfaction, nor has he received any indemnity or satisfaction for any loss which he may receive by this capture or detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers that he does not know whether said vessel or cargo be insured or not.

28th interrogate. To the twenty-eighth interrogatory the deponent answers that he knows not to whom said cargo would belong in case it had arrived at the destined port and been unladen.

29th interrogate. To the twenty-ninth interrogatory the deponent
193 answers that he cannot tell where the said cargo was manufactured; that it was laden in Cork, Ireland.

30th interrogate. To the thirtieth interrogatory the deponent answers that said cargo was laden in Cork from a vessel in the month of November, in the year 1862

31st interrogate. To the thirty-first interrogatory the deponent answers that he cannot say whether there be any other papers concerning said vessel and cargo than those already mentioned relative thereto; that he knows of no license for said vessel from any government.

32d interrogatory. To the thirty-second interrogatory the deponent answers that on the day of capture the master of the said captured vessel delivered to the captors the papers of said vessel, which were by them carried away on the twentieth day of January, 1863; that he knows not where said papers now are, or who has possession of them.

33d interrogate. To the thirty-third interrogatory the deponent answers that bulk was not broken on the voyage of capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers that one passenger was on board said vessel; that his name was S. M. Underhill; that he was a Scotsman; that he was a clerk, and had the rank of color sergeant in the army of Garibaldi, and his profession was that of arms;
that he had no commission, but was seeking one; that he was taken
194 on board at Glasgow, in October, 1862; that his final destination was
the Confederate States, via Nassau, and his business was to obtain a commissson in the Confederate army if he could get one; that he had no authority or concern in either vessel or cargo; that his place of residence was Edinboro'; that one passenger came on board at Cork, in November, 1862; that his name was McGowen; that he was a Scotsman, and his profession was that of inspecting engineer; that he was destined for Nassau, and upon the business of inspecting the machinery of the vessels belonging to the same parties as the Pearl belongs to; that said passenger had authority to inspect and direct changes and repairs in the machinery of the engine of the Pearl; that his residence was Liverpool, England; that one passenger also came on board in Cork, in November, 1862; that his name was Dundas, and that he was an American, a Confederate; that he was on his travels; that his final destination was the South, but what State he disremembers; that his only business was to reach home; that he knows not his place of residence.

35th interrogate. To the thirty-fifth interrogatory the deponent answers that as far as he knew the papers of the vessel and cargo were true; that he knows nothing to affect their credit; that he knows not how or where they were obtained; that he knows of no one having a license or letters of safe conduct; that he has written nor signed any letters or papers concerning the said vessel or her cargo.

36th interrogate. To the thirty-sixth interrogatory the deponent
195 answers that the capturing vessel was first seen by those on board
the captured vessel at about six o'clock of the morning of the day of capture, the twentieth day of January, 1863; that he knows not what course said vessel was steering at the time; that she was steering for Washerwoman's Cut, which was some seven miles distant, as he believes, which is as near the position of the Pearl at that time as he can state; that the course of the captured vessel was not changed after the appearance of the capturing vessel, except to avoid the rocks and reefs in her track; that he believes the vessel at all times, according to the route prescribed for her navigation, was directed to the port to which she was destined by the ship's papers; that her course was only altered and directed to other ports for the purpose of obtaining fuel for her further progress on her voyage; that said vessel for the twenty-four hours previous to her capture was, for the first twelve hours, receiving a pilot, he being the twenty-first man on board at the time of cap-

ture, and steaming over shoal and rocky bottom toward her port of destination, and for twelve hours of the twenty-four she was lying at an anchor; that a log-book was kept on board by the mate, and it was written up to the time of capture, and after; that one United States ship-of-war was seen on the voyage of capture at St. Vincent's, Cape de Verde, in December, 1862, and one at St. Thomas, in January, 1863.

37th interrogate. To the thirty-seventh interrogatory the deponent answers that said vessel has been sold by James Henderson & Son to Mr. Wigg, in Glasgow, in September, in the year 1862. That he knows not the sum paid. That he thinks the sale truly made, and if restored would
196 belong to Mr. Wigg, or to the parties for whom he purchased said vessel.

38th interrogate. To the thirty-eighth interrogatory the deponent answers that no guns were mounted on board said captured vessel. That no arms or ammunition belonged to her. That no military or warlike stores were on board. That no articles of warfare or military equipments were on board, unless it be the ten bales of seamen's jackets aforesaid, by whom put on board he cannot say.

39th interrogate. To the thirty-ninth interrogatory the deponent answers that he knows that said vessel was bound from Glasgow to Nassau. That he shipped in her and signed the articles for that, and no further. That said vessel was seized and brought to this port of Key West while on that voyage; and that he believes that the said steamer Pearl was, after reaching Nassau, to be engaged in running between the Confederate port of Charleston, or some other Confederate port, and the port of Nassau, N. P., under the ownership of the Confederate government or the Confederate people.

40th interrogate. To the fortieth interrogatory the deponent answers that said vessel never sailed under convoy of an armed vessel.

41st interrogate. To the forty-first interrogatory the deponent answers that said vessel never run the blockade.

42nd interrogate. To the forty second interrogatory the deponent answers that said vessel never sailed as a privateer.

197 43rd interrogate. To the forty-third interrogatory the deponent answers that said vessel never, to his knowledge, sailed or acted in concert with any armed vessel in the pursuit or capture of the vessels, property, or persons of loyal citizens of the United States.

(S'd) JOHN McKAY.

Sworn and subscribed before me, in Key West, this sixth day of February, in the year eighteen hundred and sixty-three.

(S'd) CORNELIUS CURTIS, *Prize Commissioner.*

198 Afterwards, to wit, on the fourteenth day of February, 1863, William Jolly, master of said vessel, the Pearl, appears by J. R. Beckwith, esq'r, his proctor, and files his claim to the said vessel, the Pearl, and her cargo, in the words and figures following, to wit:

United States district court for the southern district of Florida.

THE UNITED STATES, *et al.*, captors,
vs.
THE STEAMER PEARL, her tackle, apparel, furniture and cargo.
} In admiralty.—Question, prize or no prize.

Now comes into the court now here William Jolly, and saith that he is the duly constituted master of the English steamer called the Pearl, now lying in the port of Key West, an alleged prize of war, and, as such

master, is legally entitled to the possession and control of the said steamer, her tackle, apparel, furniture, and cargo. And he further saith that the said steamer, her tackle, apparel, and furniture, are the sole and exclusive property of George Wigg, a lawful subject of her majesty Queen Victoria, and who resides in the city of Liverpool, county of Lancaster, in England, and that no oth r person or persons whatsoever have any property or interest therein. And he further saith that the cargo of the said steamer when shipped on board said steamer was consigned to, and is the property of, the firm of Henry Adderly & Co., merchants, residing and doing
199 business in the city of Nassau, New Providence, and that no other person or persons have any property or interest therein. That the mercantile firm Henry Adderly & Co. is wholly comprised of English subjects residents of the city of Nassau aforesaid. And he further saith that he denies that said steamer and cargo are a lawful prize of war, as alleged and set forth in libellants' libel, filed and exhibited in this cause. Wherefore, and by reason of the premises the said claimant, as master of the said steamer, claims the said steamer, her tackle, apparel, furniture, and cargo, and prays that upon the hearing of this cause this honorable court will grant restitution of the same to this claimant, and that the court will award such damages as shall appear to have been incurred and suffered by the respective owners thereof by reason of t e unlawful seizure and detention of said steamer, and will grant such other and further relief as to the court may seem meet and just; and will ever pray, &c,.

(S'd) WILLIAM JOLLY, *Master.*

SOUTHERN DISTRICT OF FLORIDA, *ss:*

William Jolly, having been first duly sworn, deposeth and say that he is the master of the English steamer Pearl, and the claimant named in the foregoing claim, and that the matters and allegations therein contained are true in manner and form as therein set forth. And he further saith that his knowledge of the same was acquired by his relationship to said vessel, as master thereof. That he was appointed to the command of said
200 vessel by the duly authorized agent of the said owner, with instructions to proceed with the said steamer to the port of Nassau, and deliver the said steamer to George Wigg, the owner thereof, who at the time was temporarily in the city of Nassau. That while endeavoring to execute and comply with said instructions, and while on a voyage from the port of Cork, in Great Britain, to the port of Nassau, in the British West Indies, and while in latitude 23° 27′ north, and longitude 77° 33′ west from Greenwich, said steamer was captured and forcibly taken from the possession of this claimant by the United States armed cruiser "Tioga." And he further saith that the cargo of the said steamer, consisting of ten bales of merchandize, was received on board said steamer at the port from which she sailed on the said voyage as lading; that there were signed bills of lading of the usual form for said freight, wherein he contracted to deliver said freight to the said firm of Adderly & Co., in Nassau, and that he verily believes said merchandize belongs to, and is the property of the said Henry Adderly & Co. And further deponent saith not.

(S'd) WILLIAM JOLLY.

Sworn to before me this 14th day of February, 1863.

(S'd) GEORGE D. ALLEN, *Clerk.*

201 To all to whom these presents shall come I, William Jolly, master of the English steamer "Pearl," at present lying in the port of Key West, Florida, awaiting adjudication as a prize of war, send greeting:

Whereas I am desirous of claiming restitution of the said vessel and her

cargo, for and in behalf of the respective owners thereof, now know ye that I, the said master, have made, constituted, and appointed, and by these presents, do make, constitute, and appoint, J. R. Beckwith, of Key West, my true and lawful attorney, for me, and in my name and to my use, to appear before the proper court or judge, to claim restitution of the said vessel and her cargo, and to prosecute such claim according as the practice of such court or the orders of such judge may require, and for me, and in my name, to take all necessary measures for obtaining restitution of the said vessel and her cargo, as also compensation for the illegal capture and detention thereof; and generally for me, and in my name, and to my use, to do, perform, and execute all, and everything necessary to be done for my benefit in the premises. And for the better doing, performing, and executing of all or any of the matters aforesaid, I do hereby authorize and empower my said attorney, J. R. Beckwith, to constitute, and appoint, and in his place and stead put, and depute, one or more attorney or attorneys, and the same again at pleasure to revoke, and other or others in his or their place or places to substitute. And I hereby agree to allow, ratify,
202 and confirm all and whatsoever my said attorney, his substitute or substitutes, shall lawfully do or cause to be done in the premises.

In witness whereof, I have hereunto set my hand and seal, at the city of Key West, this fourteenth day of February, in the year of our Lord one thousand eight hundred and sixty-three.

(S'd) WILLIAM JOLLY, *Master.* [SEAL.]

Acknowledged before me this 14th day of February, 1863.

(S'd) GEORGE D. ALLEN, *Clerk U. S. D. Court.*

And on the twenty-first day of March, in the year last aforesaid, J. R. Beckwith, esquire, proctor as aforesaid, filed in the office of the clerk of said court a power of attorney from George Wigg, the owner of said steamer "Pearl," in the words and figures following, to wit:

BAHAMA ISLANDS, *New Providence:*

To all to whom these presents shall come I, George Wigg, at present of the city of Nassau, in the island of New Providence, merchant, send greeting:

Whereas the British steamship "Pearl," Jolly, master, while in prosecution of a voyage from the port of Liverpool, via Teneriff and St. Thomas, to Nassau, was lately illegally captured by a vessel-of-war belonging
203 to the United States of America, and taken into the port of Cay West; and whereas I, the undersigned, George Wigg, am the true and lawful owner of the said steamship "Pearl:" Now know ye that I, the said George Wigg, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, J. R. Beckwith, of Cay West aforesaid, solicitor, my true and lawful attorney, for and in my name and to my use to appear before the proper court or judge, and for me, in my name and to my use, to claim restitution of the said steamship "Pearl" and her cargo, and to prosecute such claim according as the practice of such court or the orders of such judge may require, and for me and in my name to take all necessary measures for the restitution of the said ship and her cargo, as also compensation to the illegal capture and detention thereof, and generally, for me, in my name, and to my use, to do, perform, and execute all and everything necessary to be done for my benefit in the premises. And for the better doing, performing, and executing of all or any of the matters aforesaid, I do hereby authorize and empower my said attorney, the said J. R. Beckwith, to constitute and appoint, and in his place and stead

put and depute, one or more attorney or attorneys, and the same again at pleasure to revoke, and other and others in his or their place or places to substitute; and I hereby agree to allow, ratify, and confirm all and whatsoever my said attorney, his substitute or substitutes, shall lawfully do or cause to be done in the premises.

204 In witness whereof, I have hereunto set my hand and seal, at the city of Nassau, the seventh day of February, A. D. 1863.

(S'd) GEO. WIGG. [SEAL.]

Signed, sealed, and delivered in the presence of—

(S'd) G. C. ANDERSON, *Notary Public.*
" GEORGE O. REA.
" E. H. JOHNSON.

BAHAMA ISLANDS, *New Providence:*

I, George Campbell Anderson, a notary public, by lawful authority appointed, duly admitted and sworn, residing and dwelling in the city of Nassau, in the island of New Providence, one of the Bahama Islands aforesaid, do hereby certify and attest unto all whom it may concern that the foregoing letter of attorney was duly signed and sealed by George Wigg, at present of the island of New Providence, merchant, herein named, in my presence and in the presence of George Oliver Rae and Edwin Henry Johnson, of the island of New Providence, gentlemen; to the due execution whereof, an act being requested, I have granted the same under my notarial form and seal of office, to serve and avail as occasion may require.

Done and passed at the city of Nassau aforesaid, this seventh day of February, A. D. 1863.

[SEAL.] (S'd) G. C. ANDERSON, *N. P.*

205 *U. S. consular certificate.*

I, Sam'l Whiting, U. S. consul at Nassau, N. P., do hereby certify that Geo. C. Anderson is a regularly appointed notary public for the Bahamas, and as such is entitled to full faith and credit, and that the signature to the foregoing document is true and genuine.

Given under my hand and consular seal this twenty-third day of February, A. D. 1863.

[SEAL.] (S'd) SAM'L WHITING, *U. S. Consul.*

U. S. Consulate at Nassau, N. P., Feb'y 23rd, 1863.

And on the sixth day of May, in the year last aforesaid, J. R. Beckwith, esquire, proctor as aforesaid, filed in the clerk's office of said court an affidavit made by George Wigg, claimant of said steamer "Pearl," with the original bill of sale to him as owner annexed, and also the affidavits of several of the crew of said steamer, all of which are in the words and figures following, to wit:

In the matter of the steamship "Pearl," Jolly, master.

I, George Wigg, of Liverpool, in the county of Lancaster, in that part of the United Kingdom of Great Britain and Ireland called England, merchant, but now residing in the city of Nassau, make oath and say—

206 First. That I am the sole owner of the British steamship "Pearl," and was such owner at the time when that vessel was recently captured by the United States vessel-of-war "Tioga," and I annex hereto the original bill of sale of the said vessel to me, and I swear that the same is a genuine document.

Second. I further make oath and say that neither the government of the States known as the Confederate States of America, nor any citizen of those States, have, or had at the time of the capture of the "Pearl" as aforesaid, any interest whatever in the said vessel.

Third. And I further say that the said steamer "Pearl" was at the time of her capture as aforesaid in the bona fide prosecution of a lawful voyage from Great Britain to Nassau, and that I have no knowledge of the existence of any cause which rendered the said vessel liable to capture, nor do I believe that any such existed.

Lastly. I say that I am a British subject by birth, and have never taken the oath of allegiance to any other country, state, or people.

(S'd) GEORGE WIGG.

Sworn to this 26th day of Feb'y, A. D. 1863, before me.

(S'd) G. C. ANDERSON, *Notary Public.*

207 *Bill of sale.*

Form No. 10 A—Steamer.

Official number of ship, 27119; name of ship, "Pearl;" port number, 38 of 1859; port of registry, Glasgow; British or foreign built, British; how propelled, paddle-wheels; where built, Renfrew, county of Renfrew; when built, 1859.

Number of decks, one; number of masts, one; rigged, smack; stern, elliptical; build, clincher; galleries, none; head, none; frame-work, iron.

Measurements—Length from the fore part of the stem, under the bowsprit, to the the aft side of the head of the stern-post, 182 feet 2 tenths; main breadth to outside of plank, 19 feet 5 tenths; depth in hold from tonnage deck to ceiling at midships, 7 feet 6.5 tenths.

Tonnage.

	No of tons.
Tonnage under deck	167.71
Closed-in spaces above the tonnage deck, if any, viz., space or spaces between decks	
Poop	
Round-house	
Other enclosed spaces (if any) naming them	
Deduct allowance for propelling power	95 54
Register tonnage	72 17

Deduction for space required for propelling power, 95 54 tons; length of engine-room, (if measured,) 52 feet 0 tenths; number of engines, two; combined power (estimated horse power) one hundred and twenty horses.

I, Peter Lindsay Henderson, of Glasgow, county of Lanark, merchant, sole owner of the ship particularly above described, in consideration of the sum of three thousand eight hundred and fifty pounds sterling paid to me by George Wigg, of Liverpool, county of Lancaster, merchant, the receipt whereof is hereby acknowledged, transfer sixty four sixty fourths shares in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances, to the said George Wigg. Further, I, the said Peter Lindsay Henderson, for myself and my heirs, covenant with the said George Wigg and his assigns that I have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from incumbrances.

In witness whereof, I have hereunto subscribed my name and affixed my seal this eighteenth day of September, one thousand eight hundred and sixty-two.

(S'd) P. L. HENDERSON. [SEAL.]

Executed by the above-named Peter Lindsay Henderson, in presence of—

(S'd) JOHN MCCLURE,
of No. 81 *St. Vincent street, Glasgow, writer, witness.*

Entered 24th September, 1862, at 10 a. m.

(S'd) J. A. WHITE,
per Registrar of the Port of Glasgow.

208 In the matter of the British steamship "Pearl,' Jolly, master.

To all to whom these presents shall come be it known and made manifest that on this day, being Tuesday, the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-three, before me, George Campbell Anderson, a notary public, by lawful authority appointed, duly admitted and sworn, residing and dwelling in the city of Nassau, personally came and appears William Johnson, of Dunmore Town, Harbour Island, mariner, who, being duly sworn upon the Holy Evangelist of Almighty God, did solemnly depose and say as follows:

1st. That I am a mariner, and as such sailed on or about the fourteenth day of January last, from the port of Dunmore Town aforesaid, in and on board the Bahama licensed vessel "Shannon," bound on a wrecking voyage, within the limits of the government of the Bahama Islands.

2d. That on the morning of Monday, the nineteenth day of January aforesaid, the schooner was lying near Cay Lobos, within the government of the Bahama Islands aforesaid, when a steamship was seen approaching from the southward, and on nearing and hailing the schooner it was discovered to be the British steamship "Pearl," bound to the port of Nassau, and we ascertained that the master of the steamer was desirous of procuring
209 a pilot to conduct her by the shortest route to Nassau as aforesaid.

3d. That a boat was sent on board the steamer from the schooner, and ultimately it was agreed that I should pilot the steamer to Nassau, proceeding through what is known as the Washer Woman's Cut, on the Great Bahama Bank, and that I should receive for such service, on reaching Nassau, the sum of two hundred dollars.

4th. That having entered upon the service aforesaid, I, at nine a. m. of the day last aforesaid, took charge of the "Pearl" as pilot, and put her on a north-northeast course, standing for the Washer Woman's Cut, and so continued until 6 p. m., when the vessel was brought to anchor on the bank in two fathoms and a half of water, and lay at anchor until six p. m. of the following morning, Tuesday, the twentieth, at which hour the "Pearl" was again got under weigh and proceeded on the course aforesaid, until they made the cays in the vicinity of the Washer Woman's Cut right ahead, when a steamer was observed at anchor near the land, which shortly got steam up and stood for the "Pearl."

5th. That the "Pearl" was kept in the direction before stated, without any alteration in her course, and as the strange steamer approached she was made out to be an armed vessel. That the stranger fired three times, first with a blank charge, and twice with shell, and the "Pearl"
210 having hove to, a boat was sent on board with three officers and several men, and ultimately the "Pearl" was taken possession of as a prize, the steamship last aforesaid proving to be the United States steamship-of-war "Tioga."

6th. And I further say that the "Pearl," at the time she was captured, was within the limits of the Bahama government, she being at the time a short distance to the southward of the Washer Woman's Cays, and in a direct course for the port of Nassau.

7th. And I lastly say that nothing occurred while I was on board of the said steamship "Pearl" which led to any other conclusion but that she was bona fide proceeding to Nassau, as the port of her destination.

(S'd) WILLIAM his ⋈ mark. JOHNSON.

Sworn to at the city of Nassau this 24th of Febr'y, A. D. 1863, the same having been first read by me to the said deponent, who subscribed his mark thereto in my presence. Before me—

(S'd) G. C. ANDERSON, *Notary Public.*

In the matter of the British steamship " Pearl," Jolly, master.

I, John Mackay, at present of the city of Nassau, in the island of New Providence, make oath and say :

211 1st. That on or about the 4th day of October last I shipped at the port of Glasgow, North Britain, as steward, on board of the British steamer "Pearl," on a voyage to the port of Nassau, there to be discharged, and that I subsequently sailed on such voyage, but at what precise date I cannot say.

2d. That on prosecution of such voyage we reached the island of St. Thomas about the first day of January last, and the ship stopped there for the purpose of coaling and repairing, and after a detention for those purposes, of about fourteen days, left on further prosecution of the voyage to Nassau

3d. That on the nineteenth the "Pearl" fell in with the schooner Shannon, of Nassau, then lying at anchor near Cay Lobos light-house, and obtained from her a pilot for Nassau, and on the next day, the twentieth, they fell in with the United States gunboat Tioga, by which the Pearl was captured and taken to Cay West.

4th. That after the arrival of the Pearl at Cay West I was examined before a prize commissioner. And I further say that I never stated to that commissioner that I had seen a Confederate flag on board of the Pearl, as I never did see a flag of the description; and if any such statement has been taken down as part of my evidence, it is erroneous.

212 And I lastly say that I verily believe that the Pearl was, at the time of her capture bona fide proceeding on her voyage to Nassau, and I have no personal knowledge whatever of what her employment was to be after reaching Nassau, any statements made by me in reference thereto being entirely founded on rumor and hearsay.

(S'd) JOHN McKAY.

Sworn to this 25th day of Feb'y, A. D. 1863, before me.

(S'd) G. C. ANDERSON, *Notary Public.*

In the matter of the British steamship Pearl, Jolly, master.

I, William Sandell, at present of the city of Nassau, in the island of New Providence, make oath and say :

1st. That on or about the fourth day of October last past I shipped at the port of Glasgow, North Britain, as cook, on and on board of the British steamer Pearl, for a voyage to the port of Nassau, and subsequently left Glasgow on such steamer on such voyage, but on what particular day I cannot say.

2d. That we took our final departure from Queenstown on the voyage aforesaid, and on prosecution thereof reached Saint Thomas on or about the first day of January last past, where we remained about fourteen
213 days coaling and repairing, and then left for the completion of the voyage to Nassau.

3d. That on about the 20th of the said month of January, having on the day previous taken a pilot for Nassau, we were proceeding for that port, when we fell in with a vessel-of-war, which proved to be the United States steamship Tioga, by which vessel the "Pearl" was captured and taken to Key West.

4th. That after being detained for about a month at Cay West, I, together with the rest of the crew of the "Pearl," were sent to this port, where we arrived on Monday last.

5th And I further say that I verily believe that at the time the "Pearl" was captured as aforesaid she was bona fide proceeding for the port of Nassau, on the voyage on which I had shipped as aforesaid. That I never saw a Confederate flag on board of the "Pearl," and I have no reason to think otherwise than that she was at the time of her capture, as aforesaid, on prosecution of a lawful voyage.

(S'd) WM. SANDELL.

Sworn to this 25th day of Feb'y, A. D. 1863, before me.

(S'd) G. C. ANDERSON, *Notary Public.*

In the matter of the British steamship "Pearl," Jolly, master.

I, Henry Mullins, at present of the city of Nassau, mariner, make
214 oath and say:

1st. That I shipped on board the British steamship Pearl, as an able seaman, on the twenty-fifth of November last, at the port of Cork, on a voyage to Nassau, to be there discharged under legal authority, and proceeded on her to Queenstown, whence we departed on the voyage aforesaid, on or about the 29th day of November aforesaid.

2nd. That in prosecution of said voyage the steamer stopped at various places to coal, the last of said places being the port of St. Thomas, which place we left some time in the month of January last, intending to proceed direct to Nassau; that some days after leaving St. Thomas they fell in with a schooner called the "Shannon" lying at anchor near a light-house, which I was informed was Cay Lobos light-house, and obtained from her a pilot for Nassau.

3d. That the day after taking a pilot, and when, as he informed us, we were on the direct route for Nassau, which he expected to reach that evening, we, about six in the morning, fell in with the United States gunboat "Tioga," which vessel, after bringing the Pearl to, took possession of her, and removing her crew placed on board of her a prize crew, by whom she was conducted to Cay West, where the Tioga proceeded also.

4th. And I further say that I verily believe that at the time the Pearl was captured she was bona fide proceeding for the port of Nassau; that I never saw a Confederate flag on board of the Pearl, and I have no reason
215 to think otherwise than that she was, at the time of her capture aforesaid, in prosecution, as a British vessel of a lawful voyage.

(S'd) HENRY MULLINS,

Sworn to this 25th day of Feb'y, A. D. 1863, before me.

(S'd) G. C. ANDERSON, *Notary Public.*

In the matter of the British steamship Pearl, Jolly, master.

I, Thomas McWhinnie, at present of the city of Nassau, in the island of New Providence, make oath and say:

1st. That on or about the fourth day of October last past I shipped at the city of Glasgow, North Britain, as a fireman on board the British steamer Pearl, on a voyage to the port of Nassau, on which voyage I subsequently sailed, but the exact date I cannot remember.

2d. That in prosecution of said voyage the "Pearl" reached the port of St. Thomas on or about the first day of January last, and stopped there until about the 14th or 15th, coaling and repairing, and then left in further prosecution of the voyage to Nassau.

3d. That on or about the 20th day of January aforesaid, while proceeding for Nassau, the "Pearl" was captured by the United States vessel-of-war Tioga, and carried to the port of Cay West, where I was examined before a prize commissioner.

216 4th. And I further say that the "Pearl" was a British registered vessel, and was well known to me as plying on the river Clyde, and I verily believe that at the time of her capture she was *bona fide* proceeding on the voyage to the port of Nassau, for which I had shipped as aforesaid.

5th. And I further say that I have no personal knowledge of the ownership of the Pearl, or of any intended employment of her after reaching the port of Nassau, and that all that I stated with respect thereto before the prize commissioner aforesaid was derived from rumor and heresay only.

(S'd) THOMAS McWHINNIE.

Sworn to this 25th day of Feb'y, A. D. 1863, before me.

(S'd) G. C. ANDERSON, *Not'y Public.*

In the matter of the British steamship Pearl, Jolly, master.

I, John White, at present of the city of Nassau, mariner, make oath and say:

1st. That I shipped as an able seaman on board of the British steamship "Pearl" on the 25th of November last past, at the port of Cork, on a voyage to the port of Nassau, there to be discharged, and proceeded on her to Queenstown, and sailed thence on the 29th of Nov. aforesaid in prosecution of said voyage.

2d. That in the course of said voyage we put into the port of St.

217 Thomas for coal and repairs, and left there some time in the month of January last, intending to proceed direct to Nassau. That after being out a few days we fell in with the British schooner "Shannon," at anchor near Cay Lobos light-house, and obtained from her a pilot for Nassau; that on the morning after taking said pilot, and when, as I believe, we were on the direct course for Nassau, we encountered the United States vessel-of-war Tioga, by which vessel the Pearl was captured, and taken to Key West.

3d. And I further say that I verily believe that at the time the Pearl was captured as aforesaid she was in the *bona fide* prosecution of her voyage to Nassau; that I never saw a Confederate flag on board of the Pearl, and I have no reason to believe otherwise than that she was at the time of her capture aforesaid in prosecution, as a British ship, of a lawful voyage from one British port to another.

(S'd) JOHN WHITE.

In the matter of the British steamship Pear, Jolly, master.

I, William Latimer, at present of the city of Nassau, make oath and say:

1st. That I am a native of the city of Glasgow, North Britain, which is my place of domicile; that I was residing in Glasgow in the month of October of last year, on the fourth day of which month I shipped on board

218 of the British steamer Pearl, on a voyage to Nassau; that I had previously been working on board of the Pearl, and before signing arti-

cles I made diligent enquiry as to the nature of the voyage, and was assured by the shipping master, and was myself perfectly satisfied, that the proposed voyage was a legal one to the British port of Nassau, and that I incurred no risk whatever in engaging for it.

2d. That the Pearl finally left Queenstown in prosecution of her aforesaid voyage on the twenty ninth of November, and after stopping at various places for coal, the last of which was the port of St. Thomas, the course of the vessel was shaped for Nassau, for which port a pilot had been obtained from a schooner lying near one of the Bahama Cays, and while so proceeding for Nassau the "Pearl" was captured by the United States steamship Tioga, and taken to Cay West.

3d. And I further say that the Pearl was a British registered vessel, and was well known to me as being employed for several years on the Clyde; that she was when captured on the *bona fide* prosecution of a legal voyage to Nassau, as I am well aware from the enquiries made by me as before stated; that I never saw a Confederate flag on board of her, nor did I ever intend to convey that meaning in my examination before the prize commissioner at Cay West, nor have I any personal knowledge whatever of what the employment of the Pearl was to be after her arrival at Nassau, as
219 my engagement was to terminate at that place.

(S'd) WILLIAM LATIMER.

In the matter of the steamship Pearl, Jolly, master.

I, Charles Blanc, at present of the island of New Providence, mariner, make oath and say:

1st. That on or about the fourth day of October last past I shipped as a seaman on board of the British steamship Pearl on a voyage to the port of Nassau, there to be discharged under legal authority, and subsequently sailed in prosecution of said voyage, but at what exact date I cannot say.

2d. That while in prosecution of said voyage, and when, as I believe, but a short distance from Nassau, there being at the time a pilot on board for that port, the Pearl was captured by the United States ship-of-war "Tioga," and taken to Cay West, from which port I, with the rest of the crew of the "Pearl," were sent to Nassau, leaving the "Pearl" with Captain Jolly, her master, in Cay West.

3d. And I further say that I verily believe that at the time the Pearl was captured as aforesaid she was in the *bona fide* prosecution of her voyage to Nassau; that I never saw a Confederate flag on board of the Pearl, and I have no reason to believe otherwise than that she was at the time of her capture aforesaid in prosecution, as a British ship, of a lawful voy-
220 age.

(S'd) CHARLES BLANE.

Sworn to this 25th day of Feb'y, A. D. 1863, before me.

(S'd) G. C ANDERSON, *Not'y Public.*

In the matter of the British steamship Pearl, Jolly, master.

I, James Duffie, at present of the city of Nassau, make oath and say:

1st. That I shipped as a fireman at the port of Glasgow, on or about the fourth day of October last, on board of the British steamship Pearl, on a voyage to Nassau, there to be discharged before legal authority: and having left in prosecution of said voyage, the Pearl was, some time in the month of January last, captured by the United States vessel-of-war Tioga, and taken to Key West, where I was examined before a prize commissioner.

2d. And I further say that I never did state to said prize commissioner that there was a Confederate flag on board of the Pearl; that I do not know

the Confederate flag, and have no knowledge of one being on board of the Pearl.

3d. That the Pearl was, as I verily believe, when captured by the Tioga, bound on a legal voyage to Nassau, as I had shipped for and was to
221 be discharged at that port.

(S'd) JAMES DUFFEY.

Sworn to this 25th day of Feb'y, A. D. 1863, before me.

(S'd) G. C. ANDERSON, *Not'y Public.*

In the matter of the British steamship "Pearl," Jolly, master.

I, Charles Nelson, at present of the city of Nassau, make oath and say:

1st. That I arrived at the port of Nassau on Monday last from Cay West, where I was recently conveyed in the United States steamship Tioga, having been captured by that vessel in the British steamer Pearl.

2d. That at the time of the capture of the Pearl she was proceeding on a voyage from Great Britain to the port of Nassau, and was, as I verily believe, in the *bona fide* prosecution of such voyage; that I shipped on board of the Pearl at the port of Glasgow, North Britain, on or about the fourth day of October, and from that period up to the time of my being removed from her after her capture, I never saw a Confederate flag on board of her, nor did anything come to my knowledge which led me to believe that she was otherwise than on a lawful voyage to Nassau, and whatever I stated before the prize commissioner at Cay West relative to the probable
222 future employment of the vessel was founded solely on hearsay, and not on any knowledge of my own.

(S'd) CHARLES NELSON.

Sworn to this 25th day of Feb'y, A. D. 1863, before me.

(S'd) G. C. ANDERSON, *Notary Public.*

BAHAMA ISLANDS, *New Providence:*

To all to whom these presents shall come, I, George Campbell Anderson, of the island of New Providence, esquire, a notary public by lawful authority appointed, duly admitted and sworn, residing and dwelling in the city of Nassau, in the island of New Providence aforesaid, do certify and attest that the foregoing affidavits, eleven in number, were all duly taken and sworn to by and before me, the said notary, the several parties thereto having respectively been sworn by me on the Holy Evangelists of Almighty God, to the truth of the several matters within, by them respectively deposed to.

Of all which, an act having been required, I have given the same under
[SEAL.] my hand and seal notarial, to serve and avail as occasion may require.

Done and passed at the city of Nassau, this 26th day of February, A. D. 1863.

(S'd) G. C. ANDERSON, *Notary Public.*

223 *Consular certificate.*

I, the undersigned, U. S. consul at Nassau, N. P., do hereby certify that George C. Anderson, esq'r, is a regularly appointed notary public for the Bahamas, and as such entitled to full faith and credit, and that the foregoing signature is true and genuine.

Given under my hand and consular seal, at Nassau, N. P., this twenty-
[SEAL.] sixth day of February, A. D. 1863.

(S'd) SAM'L WHITING, *U. S. Consul.*

In the matter of the Br. stm'r "Pearl" and cargo.

SOUTHERN DISTRICT OF FLORIDA, *ss:*

G. M. Maxted, being duly sworn, deposeth and saith that he is the Captain Maxted referred to in the depositions taken in preparatorio in the case of the steamer "Pearl," and alluded to as a "Pennsylvania Dutchman," and agent of the so-called Confederate States of America, and, upon his oath, saith that he is neither a Pennsylvania Dutchman, nor any other kind of a Dutchman; that he was born in the Kingdom of Great Britain; that he has never resided elsewhere, and still owes his allegiance to the queen of Great Britain; and he further saith that the statements of witnesses examined in this cause, alleging this deponent to be, or to have been, an agent for the so-called Confederate States, or any person or persons residing therein, are wholly,
224 entirely, and unconditionally false, and this deponent verily believes made either by mistake or through malice; that the same are in every particular untrue; that this deponent's connection with the stm'r "Pearl" was only as her master for a short time, under the employment of Mr. George Wigg, of Liverpool. And this deponent further saith that of his own knowledge George Wigg, esq'r, of Liverpool, is the sole owner of the "Pearl;" that no other person or persons, companies, confederacies, or governments, have any right, title, or interest in or to said steamer. And he further saith that the said George Wigg is not at this time, nor has he ever been, the agent of the so-called Confederate States, or connected in business with any person, persons, or companies residing therein; and further saith that he never at any time made any contract with any one connected with the stm'r "Pearl" for shipping on the "Pearl" to run any blockade, and never held out any inducement of extra wages for such purpose, nor has he had at any time any conversations with them, or any of them, relative to engaging them to ship on any vessel attempting to run any blockade; and further saith not. And he further saith that he, as master of said steamer "Pearl," fitted her out for sea, and he saith that no Confederate flag was put on board said steamer by the owners, or any one having control or right to put said flag on board said steamer, and that of his own knowledge said steamer was purchased by the said George Wigg to carry mails for the British government between the West India Islands and Cuba, under proposals offering
225 five thousand pounds per annum for three years.

(S'd) G. M. MAXTED.

Sworn to before me this 6th day of May, 1863.

(S'd) GEORGE D. ALLEN,
Clerk U. S. Dist. Court.

U. S. dist. court.

THE UNITED STATES
vs.
THE STM'R PEARL AND CARGO. } Prize motion.

Now came the complainants in this cause, and moves the court upon the affidavits and documents hereto attached, for leave to produce further proof in this cause.

(S'd) J. R. BECKWITH, *Attorney in fact, &c.*

226 Afterwards, to wit, on the sixth day of May, in the year aforesaid, this cause came in to be heard before this court.

Present: The Honorable William Marvin, judge.

Thomas J. Boynton, esq., attorney aforesaid, appearing on behalf of the

United States, and J. R. Beckwith, esquire, proctor on behalf of the said claimants. When the court proceeded to hear this cause upon the allegations and pleadings, the depositions taken in preparatorio, and the papers, letters, and writings found on board of said vessel, the "Pearl".

The cause having been fully argued by the respective counsel, the premises were thereupon submitted to the court.

Afterwards, upon consideration thereof, on the 25th day of May, the parties aforesaid being present, it was ordered as follows, to wit:

It is ordered that the claimant of the ship in this case be allowed to produce further evidence by his own oath and otherwise, touching his interest therein, and the use he intended at the time of the capture to make of the vessel after her arrival at Nassau, the trade or business he intended she should be engaged in, and for what purpose she was going to that port. And that the claimant of the goods have time to produce an affidavit of his right and title thereto, and to produce such other proof of neutral ownership as he may be advised.

Afterwards, on the 28th day of said month of May, J. R. Beckwith,
227 esquire, proctor and attorney in fact of said claimant George Wigg, filed in said court a motion praying an appraisement of said steamer "Pearl," and that said steamer be restored to the possession and control of said claimant, upon his depositing in the registry of said court a sum of money equal to the ascertained value of said steamer, in the words and figures following, to wit:

United States district court, for the southern district of Florida, in admiralty

THE STEAMER PEARL
ads. } Motion.
THE UNITED STATES.

Into the court now here comes George Wigg, esq'r, the claimant in this cause, by J. R. Beckwith, his attorney in fact, and prays that steps and proceedings in accordance with the practice of this court in such cases may be taken to ascertain the value of the said steamer, and that when the value thereof shall have been so ascertained, the claimant be allowed to take possession and control of the said steamer, when he shall have deposited in this court, subject to the orders thereof, a sum of money equal to the ascertained value of the said steamer, and will ever, &c.

(S'd) J. R. BECKWITH,
Att'y in fact for Claimant.

228 Afterwards, on the same day, it was ordered that William Pinkney, E. C. Howe, and R. L. Hicks, esquires, merchants, be appointed to appraise the said steamer Pearl and cargo.

Afterwards said appraisers, being duly qualified and sworn, filed their report of appraisement, on the ninth day of June, 1863, in the words and figures following, to wit:

District court of the United States for the southern district of Florida, in admiralty.

THE UNITED STATES
versus } Prize.
STEAMER PEARL AND CARGO.

The undersigned, having been duly appointed and sworn as appraisers to appraise the value of the steamer Pearl, do report that they proceeded on the 3d day of June, 1863, to examine said vessel, and do find in her present condition the said steamer Pearl, with her tackle, apparel, and furniture, is

worth the sum of thirty thousand dollars. All of which is respectfully submitted.

(S'd) R. L. HICKS,
(S'd) E. C. HOWE, *Appraisers.*

Key West, Fl'a, June 3d, 1863.

229 The undersigned, one of the appraisers in the above cause, reports the value of the said steamer Pearl to be $25,000.

(S'd) WM. PINKNEY, *Appraiser.*

Afterwards, to wit, on the same day, J. R. Beckwith, esquire, proctor for said claimants, appearing before this court in their behalf, argued in support of the foregoing motion, and Thomas J. Boynton, esquire, attorney of the United States, on behalf of said United States in opposition to said motion, the arguments being concluded.

Whereupon, it was ordered by said court that the said foregoing motion be refused.

230 Afterwards, to wit, on the third day of February, in the year of our Lord one thousand eight hundred and sixty-four, this cause came on for a further hearing.

Present: The Honorable Phillip Fraser, judge, Homer G. Plantz, esq'r, United States attorney, appearing on behalf of the United States, and J. R. Beckwith, esq'r, on behalf of the said claimants, when the court proceeded to hear said cause upon further proof.

And on the fourth day of February aforesaid the proctor for the said claimants in argument, by and with the consent of the said district attorney, read extracts to said court from two numbers of a newspaper published in the city of Nassau, in the island of New Providence aforesaid, known as the Nassau Guardian, of dates 13th July, 1861, and 15th July, 1863, in the words and figures following, to wit:

Government notice.

Tenders will be received at this office, on or before the thirty-first day of July instant, for the hire to the colonial government, for one year, of a fast sailing vessel, to perform the service contemplated by the act of the Bahama legislature, 12 Vic., ch. 14, "To provide for more frequent communication between certain islands of the Bahamas, and the seat of the government," subject, however, to the condition imposed by the act of 23 Vic., ch. 8, for determining any contract under the first-mentioned act after three months'

231 notice of any contract being entered into under last-mentioned act for the hire of an interinsular steam vessel.

The party whose tender may be accepted will be required to give security of £150 for the due performance of the contract, and the governor in council reserves to himself the right of selecting whichever tender may be deemed most advantageous to the public service, though it may not be the lowest in amount.

The vessel accepted must have proper boats, awnings, and wind-sails; cabin for passengers, properly fitted up, and kept clear of freight when there are passengers on board; proper accommodation and conveniences for cabin and forward passengers; and be ready to sail, wind and weather permitting, one hour after the delivery of the mails.

The words "Tender for government vessel," are to be marked on the envelope.

(S'd) F. MACCARTHY,
Acting Colonial Secretary.

Colonial secretary's office, Nassau, 31 July, 1861.

Government notice.

Tenders will be received at this office, on or before the eighteenth day of July instant, for the hire to the colonial government, for one year, of a fast sailing vessel, to perform the Interinsular mail service, as contempated by the act of the Bahama legislature, 12 Vic., ch. 14, subject, however, to the condition imposed by the act 23 Vic., c. 8, for determining any contract
232 under the first-mentioned act after three months' notice of any contract being entered into under the last-mentioned act for the hire of an interinsular steam vessel.

The party whose tender may be accepted will be required to give security of £150 for the due performance of the contract, and the governor in council reserves to himself the right of selecting whichever tender may be deemed most advantageous to the public service, though it may not be the lowest in amount.

The vessel accepted must have proper boats, awnings, and wind-sails, with cabin for passengers properly fitted up and kept clear of freight when there are any one or more passengers on board; also proper accommodation and conveniences for cabin and forward passengers must be provided; and the vessel must be ready to sail, wind and weather permitting, one hour after the delivery of the mails.

The words "Tender for government vessel" are to be marked on the envelope.

(S'd) C. R. NESBITT, *Colonial Secretary.*

Col. secretary's office, Nassau, 4th July, 1863.

And the cause having been fully argued by the respective counsel, the premises were thereupon submitted to the court.

233 Afterwards, upon consideration thereof, on the twelfth day of February, the parties aforesaid being present, it was ordered, adjudged, and decreed as follows, to wit:

THE UNITED STATES
vs.
THE PEARL.

This cause having been heard upon the proofs and allegations of the parties, and the same having been duly considered by the court, it is thereupon ordered, adjudged, and decreed that the said vessel, the "Pearl," together with her cargo, be restored to the claimant upon the payment of, by the claimant, *of* the expenses of the captors, together with the costs of the proceedings in this case. It is further ordered, adjudged, and decreed that there was probable cause for the capture of said vessel and cargo.

(S'd) PHILIP FRASER, *U. S. D. Judge.*

Feb'y 12th, 1864.

By consent of the parties it is further ordered that either party have leave to appeal from the foregoing decree within sixty days from this date.

Feb'y 12th, 1864.

Whereupon, the foregoing decree having been pronounced in this
234 cause, comes Homer G. Plantz, esquire, district attorney aforesaid, in behalf of the United States, on the fifth day of April, in the year last aforesaid, and prays an appeal from the aforesaid decree to the Supreme Court of the United States in the words following:

Appeal, April 5th, 1864.

District court of the United States for the southern district of Florida, in admiralty.

UNITED STATES
vs.
THE STEAMER PEARL AND CARGO. } Prize.

Now comes Homer G. Plantz, U. S. district attorney, and shows to the court that the matter in dispute exceeds in value two thousand dollars, and thereupon prays an appeal from the decree heretofore entered in the above-entitled cause to the Supreme Court of the United States.

(S'd) HOMER G. PLANTZ, *U. S. Attorney.*

And on the same day the claimant by his proctor, J. R. Beckwith, esq., also appealed from a portion of said decree in the words and figures following:

235 *Appeal.*

District court of the United States for the southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE BR. STEAMER PEARL AND CARGO,
Jolly, master and claimant. } Prize.

The United States, libellants, in this cause having appealed from the final decree therein, now comes the claimant in the above-entitled cause by J. R. Beckwith, his proctor, and conceiving himself aggrieved by that portion of the final decree entered in said cause on the 12th day of February, A. D. 1864, which decrees that the said claimant shall pay "the expenses of the captors, together with the costs of the prosecution in this case, and "further decrees "that there was probable cause for the capture of the said vessel and cargo," doth hereby appeal to the Supreme Court of the United States from all that portion of said decree that adjudges and decrees that the said claimants shall pay the captors' expenses and the costs of the prosecution of this cause; also from that portion of said decree which adjudges and declares that there was probable cause for the capture of said vessel and cargo, and refuses the prayer of the claimant that damages be awarded for the capture and deteniton of the said vessel and cargo, and he prays that this appeal may be allowed, and that a transcript of the record, proceedings, and evidence in this cause, duly authenticated, may be sent to the Supreme Court.

(S'd) J. R. BECKWITH, *Claim'ts' Proctor.*

236 District court of the United States for the southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE BR. STEAMER PEARL AND CARGO. } Prize.

SOUTHERN DISTRICT OF FLORIDA, *ss:*

James R. Beckwith, being first duly sworn, deposeth and saith that he is

the attorney in fact and proctor of the said claimant in this cause, and he saith that of his own knowledge the damages which have been sustained by the owners of the said steamer Pearl and cargo, by reason of and on account of the capture of the said steamer and cargo, together with the costs and expenses of the captors, and the costs of adjudication awarded against the said claimant by the terms of the final decree entered in this cause by the said court, exceeds the sum of two thousand dollars. And further saith not.

(S'd) J. R. BECKWITH.

Sworn and subscribed before me this 5th day of April, 1864.

(S'd) GEORGE D. ALLEN, *Clerk.*

And on the said 5th day of April, Homer G. Plantz, esquire, the attorney for the United States, and J. R. Beckwith, esquire, proctor for the said claimant, filed their joint stipulation for the further perfection of their several foregoing appeals in the words and figures following, to wit:

237 *Stipulation.*

District court of the United States for the southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE BR. STEAMER PEARL AND CARGO. } Prize.

The libellants in this cause having appealed to the Supreme Court of the United States from the final decree entered in this cause, and the claimants having thereupon also appealed from a certain portion of said decree, as appears from the respective notes of appeal filed in this cause, and it being further impossible on account of the absence of the judge of said court to appeal the said cause in open court, or to take any orders relating thereto, now, therefore, it is hereby stipulated and agreed by and between the said libellants and the said claimants that said appeals are regularly taken and perfected, and the both libellants and claimant shall cause their respective appearances in the Supreme Court of the United States to be duly entered in said cause as soon as required by the rules and practice of said court in case of appeals in prize causes without further order or citation whatever, both having full and due notice of said appeals, and that all irregularities in the form of said appeals are expressly waived, and that the clerk of said district court send to the said Supreme Court a duly authenticated transcript of the record proceedings and evidence in this cause.

(S'd) HOMER G. PLANTZ,
U. S Att'y, S. D., Florida.

(S'd) J. R. BECKWITH,
Claimants' Proctor.

238 District court of the United States for the southern district of Florida.

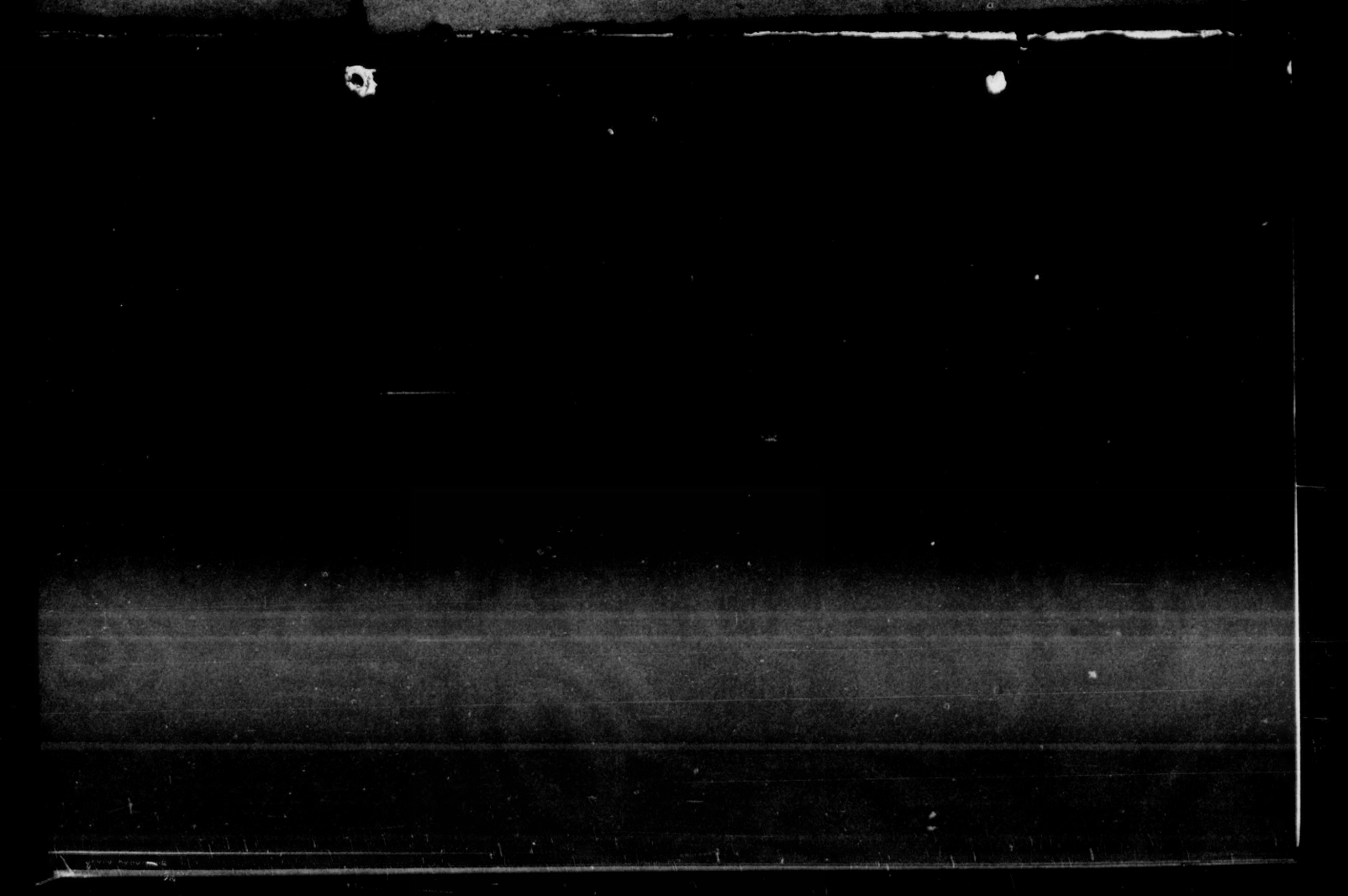
I, George D. Allen, clerk of the district court of the United States for the southern district of Florida, do hereby certify that the foregoing document, hereunto annexed, is a correct transcript of record of this court in the cause of the United States *vs.* the steamship Pearl and cargo, William Jolly, master and claimant, George Wigg, claimant of steamer and cargo, a prize,

No. 113, lately adjudicated in this court, as appears from the admiralty records and files of said court, kept in my office.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said court, at Key West, in the southern district [SEAL.] of Florida, this first day of September, in the year of our Lord one thousand eight hundred and sixty-three, and independence of the United States the eighty-ninth.

GEORGE D. ALLEN, *Clerk.*

Filed December 3, 1864.



SUPREME COURT

OF THE UNITED STATES.

THE UNITED STATES, APPELLANT,

vs.

THE STEAMER "PEARL" AND CARGO,
GEORGE WIGG, CLAIMANT.

Statement of Facts and Points of Law on the part of the Claimant.

D. B. EATON, *Of Counsel for Claimant.*

New-York:
JOHN W. AMERMAN, LAW PRINTER,
No. 28 Court Street.
1852.

SUPREME COURT

OF THE UNITED STATES.

THE UNITED STATES, APPELLANT,

vs.

THE STEAMER "PEARL" AND CARGO,
GEORGE WIGG, CLAIMANT.

Statement of Facts and Points of Law on the part of the Claimant.

D. B. EATON, *Of Counsel for Claimant.*

New-York:
JOHN W. AMERMAN, LAW PRINTER,
No. 47 CEDAR STREET.

1866.

SUPREME COURT

OF THE UNITED STATES.

THE UNITED STATES, APPELLANT,

vs.

THE STEAMER "PEARL" AND CARGO,
GEORGE WIGG, CLAIMANT.

Statement of Facts and Points of Law on the part of the Claimant.

D. B. EATON, *Of Counsel for Claimant.*

New-York:
JOHN W. AMERMAN, LAW PRINTER,
No. 47 CEDAR STREET.

1866.

Supreme Court of the United States.

THE UNITED STATES, Appellant,

vs.

THE STEAMER "PEARL" AND CARGO, GEORGE WIGG, Claimant.

STATEMENT OF FACTS AND POINTS OF LAW ON THE PART OF THE CLAIMANT.

The case comes before this court on appeal by the United States, and there is also an appeal by the claimant, both taken on the 5th day of April, 1864. (Fols. 234 and 235.)

The District Court for the Southern District of Florida, by its final decree, entered on the 12th day of February, 1864, "adjudged that the said vessel, the 'Pearl,' together with "her cargo, be restored to the claimant, upon the payment, "by the claimant, of the expenses of the captors, together "with the costs of the proceedings in this case; and it is "further adjudged and decreed, that there was probable cause "for the capture of said vessel and cargo."

Consent was given to either party to appeal within sixty days. (Fols. 233, 234.)

The claimants' appeal is from that portion of the final decree which requires him to "pay the captor's expenses and "the cost of the prosecution of the case," and which adjudges

"that there was probable cause for the capture of said vessel "and cargo," &c.; and also from that part "which refuses "the prayer of the claimant that damages be awarded for the "capture and detention of the vessel and cargo," &c. (Fol. 235.)

It appears that the sums in respect of which the claimant has appealed, amount to more than $2,000. (Fol. 236.)

There is a stipulation by which each party waives all possible irregularities in either appeal. (Fol. 238.)

10 *Peters' Rep.* 649.

The attachment and monition were issued against the steamer "Pearl" at Key West, in the District of Florida, 13th February, 1863. (Fol. 3.)

The steamer having been seized, the claimant, pending the proceedings below, (and in view of the injury she was likely to suffer during the litigation,) and on the 28th of May, 1863, moved the court for an order that proceedings be taken, according to its practice, for ascertaining the value of the steamer, and that thereupon the claimant be allowed to take possession of her, on paying into court a sum of money equal to such value. (Fol. 227.)

The court did appoint appraisers under the motion, and they appraised the steamer, but at this stage of the matter, (June 3, 1863,) the United States District Attorney opposed further proceedings under the motion, and thereupon a formal argument was had between the counsel of the parties before the court, and the result was, that the court "ordered that "the said foregoing motion be refused." (Fol. 229.)

Thus matters remained; the steamer being held by the United States Marshal till the 3d February, 1864, when a further hearing was had on the merits of the whole case, with the result already stated in the final decree. (Fol. 230.)

Since which the steamer has been held by the Government, and it is supposed she has suffered great deterioration.

Evidence and Papers before the Court below.

The vessel was seized 20th January, 1863. (Fols. 49, 70.)

There was found on board a full and regular British certificate of registry, from which it appears the vessel was British, built at Renfrew, County of Renfrew, in the year 1859, and was registered at the port of Glasgow on the 31st of May, 1859; that she was 182 2-10 feet long, 19 5-10 feet wide; had a depth of hold, from tonnage to ceiling, of 7 65-100 feet; had a total tonnage of 167 71-100 tons, but an available tonnage for cargo, and consequently a British registered tonnage of only 72 17-100 tons, and was built by James Henderson & Co. (Fol. 5.)

She had two engines, with 120 horse-power, and at the date of her registry James Henderson, of Glasgow, was her sole owner. (Fol. 6.)

On the 16th day of May, 1860, William Rushton Coalborn, of Liverpool, became her sole owner; on the 21st of February, 1862, Peter L. Henderson, of Glasgow, became sole owner; and on the 24th of September, 1862, George Wigg, of Liverpool, (claimant,) was her sole owner. (Fols. 6, 7 and 8.)

It is also in proof that the "Pearl had been employed for "several years on the Clyde." (Fols. 52, 124, 188 and 218.)

The claimant swears he was the sole owner of the vessel as aforesaid, and the bill of sale from Henderson to him is in evidence, dated 18th September, 1862. (Fols. 206, 207.)

William Jolly became master of the "Pearl" on the 22d November, 1862, and he swears that the claimant was the sole owner of the steamer. (Fols. 8, and 198, 199 and 200.) See also testimony of Captain Maxted. (Fol. 224.)

Regular shipping articles were also found on the "Pearl," dated October 4th, 1862, (during the time M. L. Irving was master; fol. 8;) and the names and nativity of all the crew, being twenty-one in all, are given. (Fols. 9 and 10.)

The crew were shipped for "a voyage from Glasgow to

"Nassau, and *then to be discharged*, with the consent of the "local authorities."

"Probable period of engagement, *three months*," &c. "Ten "pounds to be paid each man on being discharged at Nas- "sau." (Fol. 9.)

The date of the vessel's arrival at various stages of her voyage, Corunna, Madeira, Cape de Verde, St. Thomas, (at this place 13th January, 1862, is an error of print, and should read 1863, and see folio 46.) (Fol. 9.)

The bill of lading of the only cargo was also found on board. This cargo, in ten bales, was to be delivered to "Messrs. H. "Adderly & Co., or to their assigns, he or they paying "freight, &c., at forty shillings per ton measurement, with "primage and average accustomed." (Fol. 10.)

It is also in proof, by the oath of the master, that said Adderly & Co. owned the cargo *when shipped on board*, and that they were "merchants residing and doing business at "Nassau, New Providence, and that no other person or per- "sons had any interest or property therein. That the mer- "cantile firm, Henry Adderly & Co., is *wholly* composed of "English subjects, *residents* of the City of Nassau aforesaid." (Fols. 198, 199 and 200.)

The regular official papers relative to repairs at the Cape de Verde Islands, and at St. Thomas, are in evidence. (Fols. 10, 11 and 12.)

All the particulars of the expenses of the outfit of the vessel, and of the voyage, at its various stages, were found on board, and are in evidence. Fols. 13 to 17.)

The letter of consignment of the vessel by the claimant to the owners of the cargo, Messrs. Henry Adderly & Co., indicates that Mr. Wigg had no interest in the cargo. (Fol. 13.)

The regular ship's *Log Book*, complete, was found on board, and is in evidence. It commences when the boilers were being "repaired" for the voyage, October 14, 1862, and has consecutive entries, day by day, down to and including the 20th day of January, 1863. The last entries are January

19th, 1863: * * "6 P. M., came to with the best bower "in 3¼ fathoms water. Moonlight, light wind and cloudy.

"*Tuesday, Jan'y 20th*, 1863.—* * * 6 A. M., steady "breeze and clear; weighed anchor and proceeded. 8 A. "M., came to, *having been fired* at by the "Tioga," American "sloop of war, and boarded at the same time." (Fol. 48.)

EVIDENCE UNDER THE STANDING INTERROGATORIES, TAKEN "*in preparatorio.*"

This class of evidence begins at folio 49, and occupies the record to folio 198.

The names of the witnesses were as follows:

1. Wm. Jolly, master, had resided last seven years in Liverpool, fols. 147 to 158.
2. James Dickie, 1st mate, had resided for last seven years in Scotland, fols. 21, 133.
3. John G. Richardson, 2d mate, had resided for last seven years in the United States, fols. 70 to 85.
4. James Waker, first engineer, had resided for last seven years in Liverpool, fols. 85 to 96.
5. Charles Nelson, seaman, had lived seven years in Great Britain, fols. 49 to 60.
6. John Buchannan, fireman, had lived seven years in Glasgow, fols. 60 to 70.
7. Th. McWhinnie, fireman, had lived seven years in Glasgow, fols. 96 to 100.
8. Wm. McLellan, fireman, had lived seven years in Glasgow, fols. 100 to 121.
9. J. Cavenaghan, seaman, has lived seven years in Scotland, fols. 133 to 147.
10. W. Latimer, seaman, has lived seven years in Glasgow, fols. 158 to 172.

James Duffie, fireman, has lived seven years in Glasgow, fols. 172 to 184.

John McKay, steward, has lived seven years in Glasgow, fols. 185 to 198.

With the exception of Richardson, the second mate, *every*

one of those men was a native of Great Britain, and had resided there for the then last seven years, and nearly all of them had a *wife and family* then residing there.

This Richardson seems, in all respects, to have been a peculiar person, and every part of his testimony exhibits his peculiarities and contradictions.

He says he was "born in Leeds, England; that his resi-"dence, *for the last seven years*, has been in the United "States," &c., "that he *now lives* in Sunderland, England, "and *has lived there for a year past;* that he is a *subject* of "Great Britain, and *owes allegiance* to the United States," &c.; "that he is not a married man." (Fol. 70.)

From a witness who utters so many contradictions and absurdities in his short answer to the first interrogatory put to him, the Government might naturally have expected almost any testimony desired, and it was certainly not disappointed. He says he was "*about* the age of twenty," and it is pretty clear, judging from the record, that he is a nomadic, ignorant, unreliable person, without home, family ties, or any great sense of his legal relations, or of his moral responsibilities.

The following is the substance of the material parts of the evidence of foregoing persons, in answer to the standing interrogatories:

JOLLY, the master, folios 147 to 158:

The capture was made on the Bahama Banks, ten miles from the south end of Andross Island, and the "Pearl" was carried into Key West. He does "not know why the cap-"ture was made, nor on what pretence."

"No resistance was made at the time of the capture; that "three guns were fired by the capturing vessel," &c.

"That said vessel (Pearl) would first have entered the "port of Nassau, had she not been captured; that he was "instructed to deliver the vessel to George Wigg, for which "service he was to be paid," &c.; "that he is entirely igno-"rant as to the employment and destination of the vessel "thereafter," &c. (Fol. 148.)

As to flags: "Said vessel sailed under English colors; that "she *had no other colors on board*, except the Marryatt "Signals." (Fol. 148.)

He took possession of the vessel at Cork, Ireland, November, 1862. (Fol. 149.)

When captured, "twenty persons composed the vessel's "company, but that twenty-one persons were then actually "on board said vessel, *one a Bahama Pilot*," &c. (Fol. 149.)

He says, folio 149: "That fifteen came on board in Glas- "gow, in October, in the year 1862, and five in Cork, in "November, 1862; that they are mostly Englishmen; that "he knows not who hired the crew, except two, who came "on board at Cork, and the pilot, who came on board at the "Bahamas; that the agreement for the two which he hired "in Cork, in November, was, that they were to have four "pounds per month, with one month's advance, to be *dis-* "*charged in Nassau, when they were to receive a bonus of ten* "*pounds;* that the agreement with the pilot was, that, for "taking the vessel to Nassau by the nearest route, he was to "receive two hundred dollars; that for his services in taking "the vessel from Cork to Nassau, he was to receive fifty "pounds sterling; *that the above agreements were final and* "*not conditional.*" He had no interest or share in the ves- sel or cargo. (Fol. 150.)

At folio 150 he says: "That said vessel draws, when with "a full cargo, some eight feet of water; that said vessel drew, "when taken, about five feet; the reason why she was not "loaded deeper was that she could not carry cargo and coals "both, and her coals being consumed to within ten tons, she, "therefore, drew but little water at the time of capture."

The vessel had no passport or sea brief, and she sailed from Glasgow in October, 1862, and from Cork in November, 1862. (Fol. 151.)

She had as cargo only ten bales of "woollen goods, and "they were put on in October, 1862." He says, when they were "*inspected by the captors*, that the contents of one bale "was monkey jackets. That further he knows not." Fol. 151.

Mr. Wigg is an Englishman by birth, and resides in Liverpool. Fol. 151.

The ship's papers were delivered to the captors, at the time of the seizure, and *none were burnt. There were no papers but such as were delivered to the captors.* (Fols. 152, 153, 155.)

The capture was made about eight o'clock in the morning. (Fol. 153.)

He had heard "*no conversation concerning said vessel run-*
"*ning the blockade*, either before or after sailing on the voy-
"age of capture." (Fol. 154.)

He had not received "any indemnity or satisfaction, or "*promise of satisfaction*, for any loss which he may receive "by this capture." (Fol. 154.)

"Bulk was not broken on the voyage, before capture, and "there was no passengers on the captured vessel." (Fol. 154.)

The particulars of the capture he states as follows: "To "the thirty-sixth interrogatory the deponent answers, that the "capturing vessel was first seen by those on board of the "captured vessel about six o'clock of the morning of cap-"ture; that the course steered at that time was north north-"east, and had been so steered for about an hour; that the "latitude of said vessel at that time was 23 degrees 14 "minutes north, and the longitude was 77 degrees 35 "minutes west; that the course of the vessel was not "changed on the appearance of the capturing vessel; that "the wind was about southeast at the time the capturing "vessel first came in sight, and until the time of capture; "*that said vessel's course was at all times directed to the*
"*port to which she was destined by the ship's papers, and in*
"*accordance with her prescribed route; that she was at no*
"*time sailing beyond or wide of the port so designated; that*
"*said vessel was some one hundred miles distant from her*
"*destined port; that her course was not at any time altered*
"*to any other port, only as by necessity*, to obtain fuel for "propulsion, and to enable her to make her destined voyage, "as per the ship's papers, *en route;* that of the twenty-four "hours previous to capture, the courses for twelve hours

" were west northwest, and north by east, and north north-
" east, and twelve hours at anchor on the Bahama Bank;
" that a log-book was kept on board by the chief mate; that
" it was written up to the time of capture; that an American
" man-of-war was seen in St. Vincent, Cape de Verde, in
" December, and one at St. Thomas, in January, 1863." (Fol. 156.)

In regard to what the vessel contained, he says: "To
" the thirty-eighth interrogatory the deponent answers,
" that no guns were mounted on board, and that no arms
" or ammunition were on board as belonging to her; that
" said vessel had no naval or military stores or armament on
" board, of any character or description, unless said seamen's
" jackets be such." (Fol. 157.)

The "Pearl" never sailed under the convoy of any armed vessel, or into or out of any blockaded port, or had a commission as a privateer or letter of marque, or act or sail in concert with any armed vessel. (Fols. 158, 159.)

DICKIE, 1st mate: (Folios 121 to 133:) He was present at the capture. The "Pearl," he says, was designed *to run between Nassau and Cuba.*" (Fol. 122.)

" That said vessel sailed under English colors; that she
" had *no other colors* on board, save and except Marryatt's
" code of signals, two sets, and a burgee." (Fol. 122.)

In regard to the contracts with the crew, he says: "That
" the vessel seized had twenty persons on board at
" the time of seizure, as belonging to her company; that
" twenty-one persons were actually on board, at that time, a
" Bahama pilot being one, who had come on board the
" twenty-four hours previously; that the vessel's company
" are English, Irish and Scots; that fifteen of the present
" crew joined her in Glasgow, in the month of October, 1862,
" and five joined her and came on board in Queenstown
" and Cork, in November; that he cannot say who shipped
" the crew in Glasgow; that he was hired in Greenock, in
" October, by Captain Irvin; that he cannot say who shipped
" those who joined in Queenstown, but those who shipped
" in Cork, in November, 1862, were hired by Captain Jolly;
" that the terms of agreement were as expressed in the

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"*destined port; that her course was not at any time altered*
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" articles, and, on being discharged at Nassau, as per agree-
" ment, they were each to receive ten pounds sterling to en-
" able them to reach a port in the United Kingdom; *that*
" *he was to receive no other or greater compensation than that*
" *mentioned in the shipping articles.*" That the agreement was absolute.

" *Ninth Interrogatory.*—To the ninth interrogatory the
" deponent answers, that he belonged to said vessel's com-
" pany at the time of her capture, and was first officer
" thereof; that no one of said vessel's company had any part,
" share or interest in either vessel or cargo, at the time of
" her seizure, as he believes." (Fols. 123, 124.)

He had known the vessel three months on the Clyde. (Fol. 124.)

As to the cargo, he says: "He believes the said ten bales
" of goods to be clothing, jackets or overcoats." They were to be delivered to H. Adderly & Co., consignees, on their paying forty shillings per ton freight. (Fols. 126, 127.)

As to papers, he says: "*No papers of said vessel were*
" *burned, torn*, thrown overboard or destroyed by any one on
" board of said captured vessel, as he believes." (Fol. 127.)

As to conversations, relative to running the blockade, he says:

" *That conversation* was had on board the vessel, as to the
" future employment; that such *conversation was trivial*
" *and foolish, and he declines repeating it, except that the*
" *vessel was to enter the trade between Nassau and Neuvitas,*
" *Cuba; that he cannot give further conversation as to the*
" *business of which said vessel was to enter upon, after*
" *reaching Nassau.*" (Fol. 128.)

As to any indemnity against loss, he says: "That he has
" not received any satisfaction or promise of indemnity or
" satisfaction for any loss which he has sustained, or may
" sustain, for this capture or detention." (Fols. 128, 129.)

As to other papers than those delivered to captors, he says: "That he knows not of any other papers or docu-
" ments anywhere relating to said vessel or cargo, other than
" said vessel's regular sea papers. That the papers of the
" vessel were delivered to the captors, and by them taken

"away at the time of the capture; that he believes they are "now in the possession of the court. (Fol. 129.)

In regard to breaking bulk, before capture, he qualifies Captain Jolly's statement as follows: "That bulk was "broken on the voyage, before capture, by some one of the "crew, by which one not known, for the purpose of stealing, "by cutting open the bales and abstracting therefrom *two or "three reefing-jackets or pilot-coats.*" (Fol. 130.)

In regard to passengers, he says: "That two passengers "were on board from the Clyde to Queenstown, one by the "name of Underhill and one by the name of John Foster; that "they were both of the English nation; that Underhill was a "clerk, and Foster a seaman by occupation; that they had no "commissions; that Underhill came on board at Glasgow, and "Foster at Greenock; that he cannot tell where they were des-"tined, or on what business; that he cannot tell whether said "passengers had any interest in vessel or cargo; that one "passenger came on board at Queenstown, whose name was "Dundas; that he was an American, of no occupation or "profession; that he does not know Dundas' destination or "business; that one passenger joined the vessel at Queens-"town; that he was British; that his name was McGowan; "that he was an engineer, and came on board in November; "that said McGowan was bound and destined to Nassau, "and upon business he cannot say; that said McGowan had "authority to recommend the repairs of the engine; that he "knows not his place of residence." (Fol. 130.)

His account of the capture is as follows: "To the thirty-"sixth interrogatory the deponent answers, that the captur-"ing vessel was first seen by those on board the captured "vessel at about half-past six o'clock of the morning of "Tuesday, January twentieth, 1863; that the captured ves-"sel was steering about north by east, half east, at that "time, and had been so steering some half hour; that the "latitude was 23 deg. 17 min. north, and the longitude was "77 deg. 35 min. west; that the course of the captured ves-"sel was changed, after running some four miles, to north "half west; that the wind was about east at the time of the "capture; that the vessel's course was at all times directed "to the port to which she was destined by the ship's papers;

"that the course was altered to other ports for the purpose of "making a harbor or procuring fuel; that ten hours previous "to capture said vessel was at an anchor, and the former "twelve hours the vessel was steering north by east; that a "log-book was written and kept on board, and was written up "to the time of the vessel's capture; that a United States "ship-of-war was seen at St. Vincent, in December, 1862, "and one at St. Thomas, in January, 1863." (Fol. 131.)

It will be seen to vary from Captain Jolly's account in several minor particulars, (as his testimony does elsewhere,) quite enough to show that there was no collusion between them to tell a well-contrived and well-remembered story. Each relied on his own memory, and states the facts as they impressed his mind.

As to what the vessel had on board, he says: "That said "vessel had no guns mounted on board; that no arms or "ammunition belonged to her; that no naval or military "stores were on board; that no warlike articles of any nature "were on board. That the cargo was consigned to Adderly "& Co., of Nassau, N. P., and was destined for that place, "which is the whole which he knows or believes of the ves- "sel and cargo, at the time of the capture." (Fol. 132.)

In all other particulars the testimony of the first mate (with immaterial discrepancies in details) *fully confirms* Captain Jolly.

From those highest officers on board, we will go to the evidence of two men lowest in position, Nelson and Buchannan, a seaman and a fireman, the latter of whom cannot write his name, they being the two first witnesses examined.

Nelson, folios 49 to 59. Relative to flag, he says:

"The vessel sailed under the British flag; that *she had no* "*other colors on board, except the code of signals.*" (Fol. 50.)

"The vessel was distant (when captured) from her port of "destination some sixty or seventy miles; the said port of "*destination was Nassau,*" &c. (Fol. 49.)

"That when the vessel reached Nassau, *the voyage was* "*ended for which he and the crew shipped.*" (Fol. 50.)

In reference to the contract of the crew, he says: "That "there was also on board a Bahama pilot, who came on board "the day before capture. That they were mostly English- "men. That seventeen came on board at Glasgow, and "three at Cork. That those who came on board at Glasgow "were shipped by a government shipping master, in Octo- "ber, 1862, and the three who shipped in Cork were also "shipped by a government shipper, and came on board in "November, 1862. That the wages, per agreement, was four "pounds sterling per month until arrival at Nassau, N. P., "and *there they were to be discharged before the proper au-* "*thority, and were to receive ten pounds sterling to defray* "*their expenses to the United Kingdom, on being discharged* "*in Nassau.* That the advance paid before sailing was four "pounds sterling, and the wives of the married men were to "draw one months' more pay after sailing from Cork. That "said agreement was final. That neither himself nor any of "said ship's company had any interest in vessel or cargo at "the time of capture." (Fol. 51.)

He says: "He has known the vessel some two years; that "he first saw her on the Clyde in 1860." (Fol. 52.)

Of the cargo, he says: "The said vessel had as cargo, at "the time of the capture, *ten bales of seamen's cloth jackets*," and no cargo had been delivered.

And again: "Said vessel took in, as lading, in Cork, "Ireland, ten bales containing *seamen's pea jackets, and that* "*she had the same on board when taken.*" (Fol. 52.)

As showing that he was ready to tell the truth, however unfavorable, when asked about blockade running rumors, (which, of course, at such a time would hang around every vessel going towards America,) he says: "*That while said* "*vessel was in Cork, many people came down to see the vessel* "*that was going to America in the service of the Confederacy.* "*That he was informed there that she was a Confederate* "*vessel.*" (Fol. 54.)

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"That he saw no papers or writings destroyed on said "vessel at any time." (Fol. 54.)

"He saw no papers delivered out of said vessel by any "one or to any one." (Fol. 56.)

"That the course of the vessel *was not altered* on seeing "the capturing vessel," &c.; "that the vessel was then pro- "ceeding to Nassau," &c. (Fol. 57.)

"That no military stores were on said vessel; that no arms "or ammunition of war were 'on board,'" &c. (Fol. 58.)

In all other respects *he fully confirms* the captain and first mate.

Yet, from the rumors he had heard, and from the fact that there was a man, said to be a "Pennsylvania Dutchman," aboard, "a fine looking man," "he had no doubt but the "smooth waters of the Southern ports were to be navigated "by the 'Pearl,'" &c. (Fol. 58.)

His free statement of these suspicions show two things: that it was natural and common to have those suspicions, without any legal or adequate reason therefor; and that this witness had no bias or commitment that should raise any doubt of the entire truth of what he says favorable to the claimant.

BUCHANNAN, folios 59 to 70:

It is not necessary to follow his testimony in detail. He confirms the witnesses already reviewed. Says:

"He shipped only to go to Nassau, and *then be dis- charged*," &c. (Fols. 60, 61.)

Relative to contract of he says:

"That the terms of the agreement was four pounds sterling "per month for the firemen, which were the usual wages of "the port, and on being discharged at Nassau, ten pounds "sterling was to be paid to the seamen and firemen; *that the* "*above agreement was final as to the firemen and seamen;* "*that the chief engineer made some written agreement other* "*than expressed in the articles before signing said articles;* "*that further he knows not.*" (Fols. 60, 62.)

NOTE.—What he surmises, as to the contract of the chief-engineer, is an illustration of the facility with which sailors will believe rumors and invent tales. For the chief-engineer, when examined, swears as follows: "That *the terms of his* "shipping agreement was fifteen pounds sterling per month, "and on reaching Nassau, to have ten pounds sterling addi- "tional, and *be discharged then; that said agreement was* "*absolute and unconditional.*" (Fols. 85, 87, 88.)

That the "Pearl" had, for lading, "ten bales of woollen "goods and jackets." (Fol. 63.)

"That he saw no papers burned or destroyed on board the ship." (Fol. 65.)

He too heard the "idle rumors" referred to by the mate, about what was to be ultimately done with the vessel "after "reaching her destined port, Nassau," &c., and frankly states, without reserve, "the general *impression*," &c. (Fol. 65.)

RICHARDSON, second mate, folios 70 to 85:

We now come, in the order of the depositions, to this unscrupulous, eccentric, contradictory witness, and shall, therefore, see *what is the worst* that can be said against the claimant.

We will give his charges and theories in the order in which he presented them:

(1.) "The vessel had no letter authorizing her to make "prizes; that she was seized *for irregularity of papers.*" (Fol. 70.)

(2.) "That there was on board said vessel, while in Glas- "gow, a house flag, to designate to what Company said vessel "belonged, and also a *Confederate flag*," &c.

(3.) "That said flag was to be used by said George Wigg, "*as agent of the Confederate Government*, while entering the "port of Charleston, for which she (the Pearl) was intended," &c. (Fol. 71.)

He states the above story was told him by "Captain Irwin,

the *then* master," &c. Now, we have already seen that *Irwin was removed*, as master, and Jolly appointed about the time Mr. Wigg purchased the steamer; and therefore Richardson's story, if it could be thought to prove any thing, would *by any one but himself, be thought to tend to prove that different plans, and a different destination*, (dictated by Mr. Wigg,) *required a change of commanders*. The change was made October 13, 1862; it appears at folio 8.

That this Richardson insinuates his charges impertinently and maliciously, is shown in his answer to the fifth interrogatory, (folio 71,) where, though only called on to say who owned the vessel, he says, George Wigg, and then adds, "agent or *custodian* of the *so-called* Confederate Govern-"ment."

It is not easy to say which is the more noticeable, the ignorance betrayed in the use of the word "*custodian*," or the impudent attempt to flatter the United States officers by the adoption of the phrase "so-called;" that is, whether he is more a knave or a fool.

(4.) He next proceeds to inform the examiner, with perfect assurance, and also with perfect evidence of destitution of all means of knowledge on the subject, what are the various ports, in their chronological order, that the "Pearl" was intending, or rather predestined, to enter. (Fol. 72.)

(5.) When he comes to the engagement of the crew, he is obliged to state that his own would *terminate at Nassau, and was absolute;* but he charges, or rather guesses, various things; and, among others, that some of the officers had something illegal connected with their employment, of insinuations positively denied by all the evidence on the subject—their own oaths.

His story may be found at folios 73, 74.

(6.) He changes a portion of the "monkey jackets" into "army blankets," at folio 75, and Mr. Wigg into an American, at folio 76.

NOTE.—It is not pretended he ever saw the contents of these bales, and his guessing that a portion of them

were "army blankets," *contrary to the statement of all the other witnesses*, should receive no consideration.

(7.) He contradicts all the rest of the testimony, by stating that a company, and not Mr. Wigg, owned the "Pearl." (Fol. 75.)

(8.) He does not dare deny, but asserts, that the cargo was "to have been delivered at Nassau, N. P." (Fol. 76.)

And, as if that plain truth had put him in a truthful mood, he adds: "That he saw no papers or other documents torn, "burned or destroyed on board said captured vessel." (Fol. 77.)

(9.) In the 22d interrogatory he returns to his old conversations with Captain Irwin, whom Mr. Wigg discharged; and visions of the "Confederate flag," and of profitable voyages to Charleston, fill his imagination again. (Fol. 78.)

He talks glibly and euphoniously about "smooth Atlantic waters," and "the tranquil, pleasant seas of the Confederacy," &c, &c.

Then he admits "that he has not been promised any in-"demnity or satisfaction for any loss he may sustain by this "capture and detention." And also, that he saw "no papers "delivered out of the vessel, or carried away, in any manner, "by any one." (Fol. 80.)

"That the course was not changed, on seeing the capturing "vessel." (Fol. 82.)

(10.) His *animus* is exhibited again in his answer to the 37th interrogatory, where he cannot allude to Mr. Wigg without adding to his name, "as *supposed* agents for parties "in the Confederate States." (Fol. 83.)

He says, the "vessel had no guns, weapons or warlike "instruments on board of her." (Fol. 83.)

(11.) When finally asked how he got this pretended information about the character and purpose of the voyage, and

the destination and ultimate disposition of the vessel, he undertakes to give his ways and means of becoming so much wiser than every one else, but only succeeds in showing that he really knows nothing, and that all his pretended information is, of necessity, mere speculating or guessing. We will quote his whole elucidation:

"*He was second officer; that as such second officer, acting "from the beginning of the voyage, he learned, by his own "observation and information, the movements and future "destination of the said steamer 'Pearl,' which was, that "she was to be placed in the business of the so-called Con-"federate States, after she had reached her destined port of "Nassau, N. P.*" (Fol. 84.)

WALKER, first engineer, fols. 85 to 96:

This man tells a plain, direct story, and does not undertake to detail theories.

He says, he has "no belief, opinion or knowledge in the "matter of her future trade after reaching Nassau." (Fol. 86.)

He gives his agreement as follows: "That twenty per-"sons comprised the ship's company when captured; that "twenty-one persons were then actually on board, one *being* "*a Bahama pilot;* that they are mostly citizens of Eng-"land; that fifteen of said persons came on board at Glas-"gow, Scotland, in the month of October, and five came on "board at Cork and Queenstown, in November, 1862; that "Captain Irvin shipped himself and the second engineer in "Queenstown, in November, 1862; that he believes Captain "Jolly shipped two seamen in Cork, in November, 1862, "and he cannot say, but he supposes, the fifteen others were "shipped in Glasgow, by Captain Irvin, in October; that "the terms of his shipping agreement was fifteen pounds "sterling per month, and on reaching Nassau, to have ten "pounds sterling additional, and be discharged there; that "said agreement was absolute and unconditional." (Fol. 87.)

That "said vessel was not laden with cargo, for the reason

"that her room was required for coal to enable her to make "a passage from port to port." (Fol. 88.)

"That he saw no letters, papers or documents torn, burnt "or destroyed on board said captured vessel." (Fol. 90.)

In regard to conversations on board, as to blockade running, he says: "That conversation was had on board said "vessel after sailing, of the unfitness of said vessel as a "blockade runner, even if she was intended for such a pur- "pose; that no one of the crew would go in her for that "purpose; that all were anxious to get home again, and be "clear of her, as they were heartily tired of her." (Fol. 92.)

And further: "That he has not received any indemnity, "satisfaction, or promise of satisfaction, which he has sus- "tained, or which he may sustain, by this capture or deten- "tion." (Fol. 92.)

"That he believes the crew list or agreement was *true and* "*fair*." (Fol. 93.)

"That he believes the vessel's course was at all times di- "rected to the port to which she was destined by the ship's "papers; that said vessel was not sailing wide of the place "to which she was destined." (Fol. 93.)

As to cargo and voyage, he says: "That no guns were "on board said captured vessel; that said vessel had no "arms or ammunition on board, as belonging to her; that "there were not on board any article of a warlike or mili- "tary nature, no camp equipage, military tools, uniforms, "*soldiers' clothing*, or other warlike or naval stores."

"That the only thing which he knows of the whole mat- "ter is, that said voyage was a lawful one, viz., from Eng- "land to Nassau, and that there the crew were to be dis- "charged." (Fols. 94, 95.)

He confirms, in other particulars, the captain, first mate, and the fireman and seaman, whose testimony has been reviewed.

McWhinnie, fireman, folios 96 to 100:

Before proceeding to the testimony of this witness, who heard some of the rumors of which Richardson is the principal relator, it may be well to explain the relation of one

Captain Maxted. It appears, that at one time an enterprise was contemplated with the "Pearl," of which Maxted was the master spirit. THIS WAS BEFORE HER PURCHASE BY THE CLAIMANT, MR. WIGG. For that enterprise this Maxted shipped a part of a crew. At that time, as we have seen, (and see fol. 8,) M. L. Irvin was captain. Afterwards the vessel was sold, and Jolly became captain. (See fols. 8 and 63, and see fol. 72.)

We shall soon see, in the testimony of McWhinnie, (as we did in the 72d folio of Richardson's,) that his suspicions *wholly grew out of what he saw and heard in connection with those fellows, Maxted and Irvin.* Indeed, McWhinnie says, all he can state is mere rumor and suspicion. (See fol. 216.) They were dismissed, and a new captain, Jolly, engaged, *when Mr. Wigg took control of the vessel, and he is not to be held responsible for what those fellows said or did. They were not his agents.*

Proceeding now to McWhinnie's testimony, we find his suspicions were solely from what Maxted and Irwin said and did. (Fols. 97, 98.)

Now, it appears that Mr. Wigg lived at Liverpool. (Fol. 7.) He purchased the vessel on the 24th September, 1862, and Maxted was made master on the *next* day. (Fol. 8.) Irwin became master on the 13th October, 1862. (Fol. 8.) And Jolly became master on the 22d November, 1862. Now, all the rumors about blockade running originated before Jolly's appointment. It is but just and natural to conclude that Maxted and Irwin were dismissed from authority because Mr. Wigg was not satisfied with them.

At folio 98, we find that Mr. Lafown, the agent of Mr. Wigg, came direct from him at Liverpool, and Captain Jolly "took possession of the vessel," *and none of the witnesses heard him say any thing, or saw any thing, after he was given the command, that looked at all suspicious. Perhaps Mr. Wigg saw something*, as some of the crew thought they did, that led him to believe that Maxted and Irwin had some illegal designs of their own. The fact that he promptly took authority from them should not be forgotten, when he is sought to be condemned, and an attempt is made to forfeit

his vessel, by reason of words and acts which probably caused their removal. These facts are strong in his favor.

The evidence at folio 99, if true, would, in itself, afford abundant reasons why Mr. Wigg should dismiss Maxted, and should commend the case of the claimant to the favorable consideration of this court.

This witness, who is quite ready to state any facts unfavorable to the claimant, in speaking of the cargo, says, there were "ten bales of woollen goods," &c., "eight bales of sea-"men's jackets and two bales of blankets." He does not say there were "army" blankets.

He is very prompt to indulge himself in a suspicious story, as to a paper being possibly burned or destroyed. (Fol. 102.)

Dickie and Walker both deny there was any thing destroyed, and no papers are missing.

McLellan, fireman, folios 100 to 121:

He knows of no flag but the English. (Fol. 109.)

He confirms what we have said, relative to Mr. Maxted and Captain Jolly, and says, the voyage and engagement of the crew ended at Nassau. (Fols. 110, 111.)

His ideas are very confused as to ownership. He even supposed that Irwin, Maxted and Mr. Wigg (notwithstanding it is so clear that the latter owned the vessel and had removed the former) were *all part owners and agents of the Confederates.* No attention should be given to the idle suspicions and empty charges of an ignorant, simple-hearted fireman, who indulges such absurd surmises. (Fols. 118, 120.)

Carnagan, seaman, folios 143 to 147:

He has a confused story about a flag, which it does not appear he ever saw unrolled, but he believed it was a Confederate flag, and he thinks it was to be used some time, some where, but it is obvious the story takes its hues only from idle rumors and suspicions. (Fol. 134.)

Of the same character is the testimony at folio 135.

He goes over the Maxted story, but says the voyage and employment of the crew terminated at Nassau. (Fol. 136.)

The cargo was "ten bales of woollen goods." (Fol. 138.) "Monkey jackets." (Fol. 146.)

He knows, and evidently believes, nothing of the story of papers being destroyed. (Fol. 140.)

He then retails a curious sailor's "*transmogrification*" story, and even indulges his imagination so much further than any of his companions, as to say that the "Pearl" had "*already made a voyage to the land of Dixie.*" (Fol. 141.)

LATIMER, seaman, folios 158 to 172 :

This witness substantially repeats the story of the last.

He confirms what we have said about Maxted and Irwin, and shows that they were got rid of, by the appointment of Jolly, and that "said Jolly was appointed from Liverpool." (Fol. 160.)

He charges, or rather suspects, that the engineer, Dickie, had some longer or other engagement than what the shipping articles show. (Fols. 161, 162.) But Mr. Dickie shows that suspicion to be without foundation. (Fol. 123.)

Latimer had known the "Pearl" three years; she never had any other name; her last voyage was on the Clyde, instead of "to the land of Dixie," as the fruitful imagination of Carnaghan has suspected; and thus one after another of these obscure, idle stories are disposed of by the plain facts given. (Fol. 162.)

He knows nothing of papers burned or destroyed, or delivered out of the vessel. (Fols. 165, 167.)

The cargo was "ten bales of woollen goods," &c., "monkey jackets." (Fols. 163, 171.)

He has, however, got a story that Mr. Wigg did not own the vessel, but the "Confederates," his principals, did, &c. (Fol. 171.)

DUFFIE, fireman, folios 172 to 185 :

The testimony of this man is much the same as that of the last.

He thinks that a Confederate flag was burned. This is a guess, for what he thinks was burned was done up in a paper.

But the whole story is denied, as we have seen, by the two persons he refers to. (Fol. 173.)

He says the cargo was "ten bales of woollen goods," &c., "monkey jackets." (Fol. 176.)

He says the voyage and the engagement of the crew terminated at Nassau; and repeats the old story, (*denied severally by each witness for himself,*) that somebody else had a more favorable engagement than himself. (Fol. 175.)

The alleged burning of papers he does not believe, but thinks some were concealed. (Fol. 178.)

McKay, steward, folios 185 to 198:

Maxted made him very improper promises, and the reason for putting Jolly in Maxted's place grows more apparent as we advance in the case. (Fol. 187.)

The "Pearl" was expressly built to trade on the Clyde. (Fol. 188.)

The cargo was "ten bales of woollen goods," &c., and "*those ten bales were composed of woollen jackets.*" (Fols. 188, 189.)

This is the most specific statement in the depositions of what the cargo was composed of.

He is made to say "he saw the Confederate flag on board," &c., (folio 185,) but this is *positively contradicted by himself*, and *casts doubt* on the testimony *in preparatorio.* (See his second examination, at fol. 211.)

He "saw no papers burnt, torn or destroyed, in any man-"ner, on board of said captured vessel." (Fol. 191.)

He makes it very clear that all the stories and suspicions, as to the vessel being destined to run the blockade, originated with Maxted, before he was discharged. (Fol. 191.)

This closes the testimony for the Government.

Claimant's Testimony. (Folio 198.)

Captain Jolly appeared before the court and *made claim* for the owner, and stated that the "Pearl," her tackle, apparel and furniture, were the sole and exclusive property of the claimant, and that the cargo was consigned to Henry Adderly & Co., and is their sole property, and that they reside at Nassau. (Fols. 198 to 202.)

From 202 to 205 are powers of attorney from Captain Jolly and Mr. Wigg to their solicitors.

Mr. WIGG's own affidavit was also read in evidence, wherein, among other things, he stated as follows: "*That I am the "sole owner of the British steamship 'Pearl,' and was such "owner at the time when that vessel was recently captured "by the United States vessel of war 'Tioga,' and I annex "hereto the original bill of sale of the said vessel to me, and "I swear that the same is a genuine document.*"

"Second. *I further make oath and say, that neither the "Government of the States known as the Confederate States "of America, nor any citizen of those States, have, or had at "the time of the capture of the 'Pearl' as aforesaid, any in-"terest whatever in the said vessel.*"

"Third. And I further say that the said steamer 'Pearl' "was, at the time of her capture as aforesaid, *in the bona fide "prosecution of a lawful voyage from Great Britain to Nas-"sau, and that I have no knowledge of the existence of any "cause which rendered the said vessel liable to capture, nor "do I believe that any such existed.*"

"Lastly. I say that I am a British subject by birth, and "have never taken the oath of allegiance to any other coun-"try, state or people.

(S'd,) GEORGE WIGG."
(Fol. 206.)

The bill of sale of vessel to Mr. Wigg next follows. (Fol. 208.)

Affidavit of Pilot.—Mr. Johnson, who was the pilot on board the "Pearl" when captured, states the facts, as to his going on board, and that the "Pearl" was bound for, and that he proceeded to take her into, the port of Nassau. That *her course was not altered* on the approach of the "Tioga." (Fols. 208, 209.)

The particulars of taking on this pilot are also stated by another witness. (Fol. 211.)

JOHN MCKAY. (Folio 211.) He having once been exam-

ined *in preparatorio*, again testifies and states, that if the Commissioners made him state he saw a Confederate flag on the "Pearl," (fol. 185,) that his testimony *was not correctly taken down.* His language is as follows: "After the arrival "of the 'Pearl' at Key West, I was examined before a Prize "Commissioner, and I further say that I never stated to that "Commissioner that I had seen a Confederate flag on board "of the 'Pearl,' as I never did see a flag of that description; "and if any such statement has been taken down as part of "my evidence, it is erroneous.

"And I lastly say, that I verily believe that the 'Pearl' "was, at the time of her capture, *bona fide* proceeding on "her voyage to Nassau, and I have no personal knowledge "whatever of what her employment was to be, after reach- "ing Nassau, any statements made by me in reference "thereto being entirely founded on rumor and hearsay." (Fols. 211, 212.)

W. SANDELL, folio 212:

He was on the "Pearl," and saw no Confederate flag. (Fol. 213.)

H. MULLINS, seaman, folio 214:

He was seaman on the "Pearl," and saw no Confederate flag. (Fol. 214.)

McWHINNIE, folios 215, 216:

This is the second time he testified, and he states that all the statements about the intended employment of the "Pearl," after reaching Nassau, were mere "rumor." (See fol. 216.)

J. WHITE, folio 217:

He states the fact as to the pilot, and that, though a seaman on the "Pearl," he saw no Confederate flag. (Fols. 216, 217.)

W. LATIMER, folio 218. He states as follows:

"*And I further say, that the 'Pearl' was a British regis-* "*tered vessel, and was well known to me as being employed*

"*for several years on the Clyde; that she was, when cap-*
"*tured, on the bona fide prosecution* of a legal voyage to
"Nassau, as I am well aware, from the inquiries made by
"me, as before stated; *that I never saw a Confederate flag*
"*on board of her*, nor did I ever intend to convey that mean-
"ing in my examination before the Prize Commissioner at
"Key West, nor have I any personal knowledge whatever of
"what the employment of the 'Pearl' was to be after her
"arrival at Nassau, as my engagement was to terminate at
"that place." (Fol. 218.)

He has been made to state he saw a Confederate flag. (See fol. 159.)

James Duffie, folio 220:

He, in like manner, denies the statement, *as taken down* by the Prize Commissioner.

This is his language: "And I further say, that I never did
"state to said Prize Commissioner, that there was a Con-
"federate flag on board of the 'Pearl;' *that I do not know*
"*the Confederate flag, and have no knowledge of one being*
"*on board of the 'Pearl.'*"

"3d. That the 'Pearl' was, as I verily believe, when cap-
"tured by the 'Tioga,' bound on a legal voyage to Nassau,
"as I shipped for, and was to be discharged at that port."
(Fol. 220.)

He has been made to say he saw a Confederate flag, and that it was burned. (See folio 173.)

Charles Nelson, folio 221:

He had not been made to say he saw any Confederate flag, but a story has been taken down, as from him, at folios 54 and 55, relative to the ultimate employment of the "Pearl." He states it was *only a rumor.* (Folio 221.)

Depositions before Prize Commissioner.

It was, of course, impossible for the claimant to get access to many of the crew of the "Pearl," as they at once scattered after their examination *in preparatorio;* and before he could be communicated with from Key West, the crew were

dispersed over the world. He succeeded in finding several of them, as we have seen, and they all *swear positively that they never stated what the depositions of the Government declare they stated.* They assert that *very important statements, of a character most unfavorable to the claimant*, attributed to them, *they never made.*

This is certainly very strange, and requires explanation.

If the last sworn statements of those witnesses are true, then their testimony adverse to the claimant should be taken as a specimen of the whole of that kind of evidence, and the whole case on which the Government asks a forfeiture should, therefore, be regarded as open to suspicion and unworthy of credence. If these latter statements are not true, then those witnesses, and the others doubtless as well, who swear to rumors and opinions adverse to the claimant, are unreliable; and the claimant should not be made to suffer for what has come from their recklessness, their cupidity or their malice.

The leading facts in the case that do not rest on the suspicions and unreliable declarations of the ignorant sailors, steward and fireman, should be allowed, in the main, to control the case.

The character of the testimony which makes against the claimant, and suggests complicity with the Confederate Government, is exposed by Captain Maxted, who *went to Key West* and made oath to his statements before the Clerk of the District Court. (Folios 223, 224, 225.)

He says: "That he was born in the Kingdom of Great "Britain; that he has never resided elsewhere, and still "owes his allegiance to the Queen of Great Britain; and he "further saith, that the statements of witnesses examined in "this cause, alleging this deponent to be, or to have been, "*an agent for the so-called Confederate States, or any person* "*or persons residing therein, are wholly, entirely and uncon-*"*ditionally false*, and this deponent verily believes, made "either by mistake or through malice; that the same are, in "every particular, untrue; that this deponent's connection "with the steamer 'Pearl' was only as her master for a short "time, under the employment of Mr. George Wigg, of Liver-"pool. And this *deponent further saith, that, of his own*

"*knowledge, George Wigg, Esq.*, of Liverpool, *is the sole* "*owner of the 'Pearl;'* that no *other person or persons,* "*companies, confederacies or governments have any right,* "*title or interest in or to said steamer.* And he further saith, "that the said George Wigg is not at this time, nor *has he* "*ever been, the agent of the so-called Confederate States, or* "*connected in business with any person, persons or companies* "*residing therein;* and further saith, that he never, at any "time, made any contract with any one connected with the "steamer 'Pearl,' *for shipping on the 'Pearl,' to run any* "*blockade, and never held out any inducement of extra wages* "*for such purpose, nor has he had, at any time, any conver-* "*sations with them, or any of them, relative to engaging* "*them to ship on any vessel attempting to run any blockade;* "and further saith not. And he further saith, that he, as "master of said steamer 'Pearl,' *fitted her out for sea,* and "he *saith that no Confederate flag was put on board* said "steamer by the *owners, or any one having control or right to* "*put said flag on board* said steamer." (Fols. 223, 224.)

At folio 225, it appears that on the same *sixth* of May, 1863, on which Captain Maxted appeared before the Clerk, the "complainants" were so much impressed with the force of this rebutting testimony, that they asked "for leave to "produce further proof in this cause." (Fol. 226.)

Yet, the United States *did not produce* any further proof.

The claimant, however, got leave, and did produce further proof. This proof consisted of proposals of the colonial government of New Providence for the hire of "a fast sailing vessel," such as the "Pearl," to perform light mail service between certain Islands of the Bahamas and the government of those Islands. These proposals were first published in July, 1861, and renewed in July, 1863.

These proposals are set forth in the record. (Fols. 230 to 233.)

When Mr. Wigg, in September, 1862, selected the little, tidy steamer "Pearl," from among those that were running on the Clyde, he, of course, knew of the failure of the advertisement of July, 1861, to secure any steamer, and

the "Pearl" having been seized in January, 1863, accounts for the necessity of re-publishing this advertisement for a steamer later in 1863.

The utter unfitness of such a light craft as the "Pearl," (that could hardly carry more cargo, beyond her coal for short stages, than would make a load for one of our army wagons,) to run the blockade, must be apparent to every one. On the other hand, her exact adaptability to run with the small colonial mail in the shallow, protected channels between the small islands around Nassau, is equally unquestionable.

It is maintained, on the part of the claimant, that there is no uncontradicted statement, and no fact in the record, that makes it at all improbable or unnatural that the "Pearl" was purchased and sent to Nassau for the sole purpose of such mail service, under the offer of the colonial government. And, certainly, this tribunal will not FORCE an illegal and dishonest motive and destination upon the claimant, when a legal and legitimate business enterprise is so much the more natural inference from all the facts proved, and all the reliable, candid and fair testimony in the case.

But the evidence that the "Pearl" was really designed for the purposes mentioned in those proposals, does not rest on any general inference from the mass of the testimony, but is positively proved, (since there is no contradictory fact stated,) by the oath of one who was fully able to state the fact.

Captain Maxted swears that "Mr. Wigg is the sole "owner of the 'Pearl;' that he, Maxted, 'fitted her out for "sea,' and that, of his own knowledge, said steamer was *pur-* "*chased by the said George Wigg to carry mails for the* "*British Government, between the West India Islands and* "*Cuba, under proposals of offering five thousand pounds per* "*annum for three years.*" (Fol. 224.)

It was at the close of this unanswered testimony, that the District Judge ordered "the 'Pearl,' together with her cargo, "to be restored to the claimant," &c. (Fol. 233.)

We submit, in view of the foregoing proofs, that all the leading facts proved tend to show that this voyage was legal, and that neither the vessel nor the cargo had a Confederate destination.

1. The vessel was not a new one, constructed with reference to the exigencies of the blockade business, but was an ordinary small Clyde steamer.

2. That no alterations were made upon her to adapt her for blockade running.

3. That her last voyage shows that she was neither fast, nor adapted to carry a large cargo in proportion to her tonnage, and that she was only adapted for mail, revenue or similar coast service.

4. That her whole cargo, which consisted of only ten bales, was composed of clothing, and had no appearance of being designed for a blockaded port; nor is there any extrinsic reason for supposing that such was its real destination.

5. The cargo belonged to the consignees, merchants of Nassau, when shipped; and the bill of lading provided the rate of freight the consignees were to pay on its delivery.

6. The engagements of the officers and crew were to terminate at Nassau, where they were to be paid off and finally discharged.

7. There is no ground for doubting that the claimant was the sole and absolute owner of the vessel.

8. The voyage, in all its features, was, as to all facts in evidence, consistent with a legal intent and destination, and all the statements in the record to the contrary are no more than vague suspicions and sailors' gossip.

9. The evidence discloses a matured business enterprise and a certain business destination for the "Pearl," in the British postal service, for which she was highly suitable, and there is *positive* evidence that such was the *sole object* of her voyage, and this testimony is *wholly uncontradicted.*

10. When in the vicinity of our cruisers, and chased by the capturing vessel, the conduct of those on the "Pearl" was entirely consistent with a legal destination and honest intentions; and was quite incompatible with a design of running the blockade or a consciousness of guilt or danger.

General Suggestions.

1. The law relative to blockade-running, and the grounds of condemnation therefor, have been lately so fully discussed before and by this court, in the cases of the Circassian, Springbok, Bermuda, the Stephen Hoyt, and the various other cases which have come here for adjudication, that any f rther examination of general principles can hardly be use-ful, and, perhaps, is not justifiable.

The claimants insist that the most unfavorable rules laid down in any of those cases fully sustain the District Court in this case, and release the "Pearl." All the various grounds on which any of the above named vessels or their cargoes were condemned, are wanting in this case.

1. There were no papers destroyed on the "Pearl," or missing from her.

2. The Pearl had no apparent destination for, nor was she making for, or in the vicinity of a hostile port.

3. There is no ultimate destination for any enemy's port proved, nor is there any basis in the evidence for inferring such a destination.

4. There is no basis for claiming that the "Pearl" was owned or controlled by Confederate authority or citizens.

5. There is no basis for claiming that any part of the cargo was owned by any Confederate citizen, or that any such citizen was interested therein, or otherwise interested in the voyage.

6. There is no ground for inferring that Nassau was not the ultimate port of destination for both vessel and cargo; and hence the doctrine of continuous voyages, simulated destinations, and intended transhipments, (even in those aspects most unfavorable for claimants, which they have ever been presented by captors,) are wholly harmless and inapplicable.

7. It cannot be claimed that any hostile person had any actual or apparent authority or control on the "Pearl."

8. It cannot be claimed that there was any contraband of war on the Pearl, which can be made the basis of condemning either the vessel or the cargo, or any part thereof.

(1.) It has been shown that the suggestions of one or two of the crew, that there were army blankets in the bales, is unfounded, and that really no one of the crew pretends to have examined them, or even to know that the bales contained blankets at all, and much less the kind of blankets.

(2.) That the most direct proof as to the cargo is that of Capt. JOLLY, at fol. 151. He says, speaking of the contents of the ten bales, (they being the whole cargo,) "that he saw, "WHEN THEY WERE INSPECTED BY THE CAPTORS, that the con- "tents of one were monkey-jackets. That further, he knows "not." (And see fols. 52, 163, 171.)

This testimony is wholly uncontradicted; but it is affirmatively proved there was no "soldiers' clothing" on the "Pearl." (Fols. 94, 188, 189.)

At fol. 233, the cargo was ordered to be *restored* to the claimant by the captors; and see fol. 235. It then indisputably appears that the cargo was captured, "inspected," and held by the claimants.

(3.) If, therefore, it be pretended, on the basis of surmises of some of the crew, and contrary to the most reliable testimony, that any part of the cargo was army blankets, or otherwise contraband of war, we reply that the Government should not be allowed to take any benefit of mere inference or suspicious circumstances, did the latter exist. The Government has inspected the cargo; has at all times had, and now has, possession of it; and could and should have given positive proof of its character, if it contended or is to be allowed to claim it to be army blankets, or contraband of war of any kind. To give the Government any benefit of any inference in the case, or to listen to anything less than positive proof, would be highly unjust to the claimants.

The Government was bound in justice and honor to call its inspectors of this cargo to prove what it really was, or to

accept the statement of Captain Jolly, who saw its agents inspect it, as to what it was.

Indeed, both this court and a great French writer have laid down rules applicable to such cases, which will not allow the Government, under the circumstances of this case, (having withheld the best and decisive proof *in its sole power*,) to argue that this cargo was contraband of war.

Pothier says, (2 *Evans Pothier*, 149,) "That if the weaker "and less satisfactory evidence is given and relied on in sup- "port of a fact, when it is apparent to the court and jury "that proof of a *more direct* and explicit character was *with- "in the power of the party*, the same caution which rejects "the secondary evidence will awaken distrust and suspicion "of the weaker and less satisfactory; *and that it may well "be presumed, if the more perfect exposition had been given, "it would have laid open deficiencies and objections which the "more obscure and uncertain testimony was intended to con- "ceal.*

Clifton *vs.* The United States, 4 *How. R.* 247, lays down the rule as follows:

"One of the general rules of evidence, of *universal* applica- "tion, is, that the best evidence of disputed facts must be pro- "duced, of which the nature of the case will admit. This rule, "speaking technically, applies only to the distinction between "primary and secondary evidence; but the reason assigned "for the application of the rule in a technical sense is equally "applicable, and is frequently applied to the distinction be- "tween the higher and inferior degree of proof, speaking in "a more general and enlarged sense of the terms, when ten- "dered as evidence of a fact. The meaning of the rule is, "not that courts require the strongest possible assurance of "the matters in question, but that no evidence shall be ad- "mitted, which, from the nature of the case, supposes still "greater evidence behind, *in the parties' possession or "power;* because *the absence of the primary evidence raises "a presumption, that, if produced, it would give a complex- "ion to the case at least unfavorable, if not directly adverse "to the interests of the party.*"

"For a like reason, even in cases where the higher and

"inferior testimony cannot be resolved into primary and "secondary evidence, technically, so as to compel the pro- "duction of the higher; and the inferior is, therefore, ad- "missible and competent without first accounting for the "other, *the same presumption exists in full force and effect* "*against the party withholding the better evidence;* especially "when it appears, *or has been shown, to be in his possession* "*or power, and must and should, in all cases, exercise no* "*inconsiderable influence in assigning to the inferior proof* "*the degree of credit to which it is rightfully entitled.*"

9. It is a fair argument, on the basis of these rules, and a fair inference that the claimants are justifiable in asking the court to draw the conclusion, that if the Government had allowed the "inspectors" or custodians of those "ten bales of woollen goods" to state their real character, *it would have placed the fact beyond a question that they were not contraband of war*, or, in the language of the decision, "it would "have given a complexion to the case unfavorable, *if not* "*directly adverse to the interests of the party*" concealing the evidence, that is, the United States.

10. There was no probable cause for the capture of the "Pearl." There was nothing suspicious about her appearance, position, officers or crew, or their conduct. There was nothing actually or apparently illegal in what she was doing or carrying, nor in anything that the captors could see, or had any adequate reason to infer or suspect.

11. We claim that the vessel and cargo should be released and damages for their detention paid, and that the claimants should be relieved from all liability to pay any costs or expenses.

D. B. Eaton,
Counsel for Claimants.

In the Supreme Court of the United States.

DECEMBER TERM, 1866.

THE UNITED STATES,
vs.
THE PEARL AND CARGO. } No. 111.

Appeal from the District Court for the southern district of Florida.

BRIEF OF UNITED STATES.

HENRY STANBERY,
J. HUBLEY ASHTON,
For United States.

In the Supreme Court of the United States.

DECEMBER TERM, 1866.

UNITED STATES
vs.
STEAMER PEARL AND CARGO. } No. 111.

Appeal from the district court for the southern district of Florida.

THE CASE IN THE DISTRICT COURT.

The Pearl and cargo were captured by the Tioga, on January 20, 1863, about sixty or seventy miles from Nassau, and libelled as prize of war in the Florida district court on February 16, 1863. William Jolly, master, claimed the vessel on behalf of George Wigg, a British subject residing in Liverpool, and the cargo on behalf of Henry Adderly & Co., British subjects residing at Nassau, N. P. (Rec., p. 80.) On May 6, 1863, the cause was heard upon the preparatory proofs and papers, by the Hon. William Marvin, district judge. (Rec., p. 90.) At the hearing, the proctor for the claimant of the vessel moved the court for leave to produce further proof, and filed, in support of the motion, sundry *ex parte* affidavits of several of the witnesses *in preparatorio*, and an affidavit of George Wigg, (accompanied by his bill of sale for the vessel,) taken at Nassau on February 7, 1863. (Rec., pp. 90, 82.) On May 25, the court ordered further proof in the following words:

"*It is ordered that the claimant of the ship be allowed to produce further evidence, by his own oath or otherwise, touching his interest therein, and the use he intended, at the time of the capture, to make of the vessel after her arrival at Nassau, the trade or business he intended she should be engaged in,*

and for what purpose she was going to that port. And that the claimant of the goods have time to produce an affidavit of his right and title thereto, and to produce such other proof of neutral ownership as he may be advised." (Rec., p. 91: See opinion of Judge Marvin, appended to this brief.)

The affidavit of Wigg, dated Nassau, February 26, 1863, accompanying the bill of sale, did not comply with any of the requirements of the above order. (Rec., pp. 82, 83.) It was filed May 6, before the order for further proof was made. (Rec. p. 82.) No proof was adduced by the claimants as directed by Judge Marvin, and on February 3, 1864, the cause came on for a further hearing before Judge Fraser, who had succeeded Judge Marvin, (Rec, p. 92;) when a decree was entered, restoring the vessel and cargo to the claimants upon payment of the expenses of the captors and costs of the proceedings, and adjudging that there was probable cause for the capture. (Rec., p. 93.)

The United States thereupon appealed from the decree restoring the property, and the claimants from so much of the decree as required them to pay costs and expenses and adjudged probable cause of capture. (Rec., pp. 94, 95.)

FIRST POINT.

The failure and neglect of the claimants to comply with the order for further proof entitled the United States, by well-established principle and practice of prize courts, to a decree of condemnation.

The doctrine is stated by Judge Story in his *Prize Notes*, as follows: "*If, upon further proof ordered, no proof is adduced or the proof be defective, or the parties refuse to swear, or swear evasively, it is deemed conclusive evidence of hostile interests, or of such misconduct as authorizes condemnation.* (1 Wheaton, Appendix, p. 505)

The rule is stated *in ipsissimis verbis* by *Phillimore*. (3 Int. Law, *601.)

In "*La Nereyda*" (8 Wheaton, 170) this court acted upon the rule, and stated it thus: "*Where an order for further proof is made, and the party disobeys its injunctions, or neglects to comply with them, courts of prize are in the habit of considering such negligence as contumacy, leading to presumptions fatal to his claim.*"

The doctrine is familiar and of universal application that in *every case* where further proof is necessary, and is either not allowed by operation of any of the rules applicable to the subject, or is not adduced when duly allowed and ordered, condemnation follows as a necessary legal consequence—in the one case through the absence of evidence which the party is not permitted to supply, and in the other by his contumacious failure to adduce the evidence needed to establish alleged proprietary interest, the legality of the trade, or the integrity of the transactions. (The Pizarro, 2 Wh., 240; The Welvaart, 1 Rob., 122; The Juffrouw Anna, Ib., 125; The Eenrom, 2 Ib., 1; The Graaf Bernstoff, 3 Ib,, 109.)

SECOND POINT.

The claimants were not entitled to restitution without *further proof*, and the order of the court directing the same was justified by the character and contents of the original evidence.

1. The presentation of the case made in the very clear and able opinion of the district judge, appended to this brief, is a sufficient vindication of the disposition which that learned and experienced judge made of the cause on the first hearing. Little is really needed to be added to what is there so well said.

2. An important fact, not mentioned in the opinion of Judge Marvin, is that at least two of the witnesses examined *in preparatorio* testified to their belief that a destruction by burning of papers or other articles occurred, by order of the master, at the crisis of capture, after a gun had been fired by the naval vessel. (Testimony of Thos. McWhinnie, fireman, Rec. p. 42, and of James Duffie, Rec. p. 70.)

Nor is there any denial of the truth of their testimony as to that fact, found in the subsequent *ex parte* affidavits of those witnesses. (Rec., pp. 87, 88, 89.)

This, of itself, necessitated the adduction of *further proof* by the claimants.

The Rising Sun, 2 Rob, 104.

3. Several of the witnesses testified that the *ten bales* of merchandise constituting the cargo contained *gray army blankets*—a fact which alone, and more especially when considered in connection with the total absence of all papers giving any account of the contents of the cargo, justified the arrest of the vessel and bringing in for adjudication, as well as the order for further proof. (Rec., p. 31; ans. to 13th Int.: Rec. p. 46 ans. to 13th Int.)

4. The absence from the cargo of all the usual proprietary papers, and the failure of the claimants of the cargo to supply the deficiency, were circumstances calculated to induce the gravest suspicion as to the ownership of claimants and the final destination of the cargo. *It is to be remembered, in this connection, that not a single document of title, or document showing final destination, accompanied the cargo.* Nothing but an *unsigned* bill of lading, which was no bill at all, was discovered, (Rec., p. 7;) and the master swears that he had no other in his possession. (Rec., pp. 61, 62.)

5. The suppression, even in *that* document, of the contents of the *ten bales* was calculated to awaken vehement suspicion on the part of the captors.

6. But one of the most remarkable and suspicious facts in the case is the ignorance professed by the master, in his preparatory examination, of all those particulars which a master is bound to know, in time of war, as to the character and ownership of his cargo and the intended employment of his vessel. (See his whole testimony, Rec., pp. 60, 64.)

The character of this man's evidence was enough to warrant, even if the case had been clear in other respects, the order for further proof.

THIRD POINT.

It appearing from the foregoing remarks that there was *probable cause* for the capture, the captors were entitled of right to an exemption from damages.

The Appollon, 9 Wh., 372.
The Isabella Thompson, 3 Wallace, 155.

FOURTH POINT.

The case was of such a character that the court below was entitled to award to the captors their costs and expenses.

The rule is, "if there be probable cause, the captors are entitled, as of right, to an exemption from damages, and if the case be of strong and vehement suspicion, *or* requires further proof to entitle the claimant to restitution, the law of prize proceeds yet further, and gives the captors their costs and expenses in proceeding to adjudication."

The Appollon, 9 Wh., 372.

The rule is thus alternative. If the case be of strong and vehement suspicion, or if further proof be required to entitle the claimant to restitution, the captors, in either event, may get their costs and expenses. This case was within both branches of the rule, as has been already shown.

FIFTH POINT.

Inasmuch as the original evidence precluded restoration of the property, and required the court to compel the production of *further proof*, and inasmuch as the requirements of the order for such proof were not duly met by the claimants, the court below should have condemned the property, and its decree of restitution was, therefore, erroneous, and should be reversed.

SIXTH POINT.

But if the court should be of opinion that the decree of restoration was not erroneous as contended, then we submit, and respectfully contend that the government has shown not only *probable cause* of capture, but a case of such vehement suspicion as entitled the captors to costs and expenses of adjudication, and, on this ground, the part of the decree from which the claimants appeal should be affirmed.

HENRY STANBERY,
Attorney General.
J. HUBLEY ASHTON,
Ass't. Attorney General.

DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

THE UNITED STATES
vs.
THE STEAMER PEARL AND HER CARGO. } *In Prize.*

OPINION OF THE COURT.

MARVIN, J. This steamer, of the net burden of seventy-two tons and seventeen hundredths, William Jolly, master, having on board ten bales of merchandise, supposed to be ready-made clothing, was captured by the United States ship *Tioga*, on the 20th day of January last, while ostensibly bound on a voyage from Liverpool to Nassau. The capture is said to have been made about sixty or seventy miles from Nassau.

A claim to the vessel has been interposed by the master, on behalf of George Wigg, who is alleged to be a merchant, residing in Liverpool, and to the merchandise, on behalf of Henry Adderley & Co., merchants, of Nassau.

It is understood that the delay in bringing the case to a hearing has been at the request of the claimant's proctor, in order to give him time to consult his clients and prepare further testimony.

I have already decided, in the case of the steamer *Dolphin*, that a vessel bound on a voyage from Liverpool to Nassau, with an intention of touching only at the latter port, and of proceeding thence to a blockaded port of the enemy, is engaged in an attempt to violate the blockade, which subjects her to capture, in the antecedent as well as in the ultimate stage of the voyage—before arriving at Nassau, as well as after having left that port. I think the law, also, is, that if an owner sends his vessel to a neutral port, with a settled intention to commence, from such a port, a series of voyages to a blockaded port, he thereby commences to violate the blockade, and subjects his vessel to capture, notwithstanding he may also intend to unlade the vessel at the neutral port, discharge the crew, and give all other external manifestations of an intention to end the voyage at such port. Where a deliberate

purpose exists to violate a blockade, and measures are actually taken to accomplish that object, the law couples the act and the intent together, and declares the offence to be complete. The resorting, therefore, to a neutral port, for the purpose of the better disguising the intention, or of procuring a pilot for the blockaded port, or of perfecting the arrangements, so as to increase the chances of a successful violation of the blockade, will not, in the least, extenuate the offence, or avoid the penalty. These measures may increase the difficulty of discovering the true intention; but whenever it is discovered, it will give to the transaction its true legal character. The leading authorities are, *The Columbia, (1 Ch. Rob.,* 154;*) The Neptunus, (2 Ch. Rob.,* 110;*) Yeaton v. Fry, (5 Cranch,* 335;*) The Richmond. (5 Ch. Rob.,* 325;*) The Maria, (Id.,* 365;*) The William, (Id.,* 385 *)*

Now, it is a notorious fact that a considerable number of steamers, near the size of this, being swift sailers and drawing but little water, have lately come out from England to Nassau, and have entered at once upon the business of running the blockade at Charleston or Wilmington, and have continued regularly in that business until they have been captured. We do not hear of any of them engaging in any other business or trade. Indeed, it is very well known that there is no other business or employment at Nassau for steamers of the size of this, in which they can engage with a reasonable prospect of clearing even the expenses of running. Add to these considerations the facts that Charles Nelson, John G. Richardson, Thomas McWhinnie, William McClellan, Joseph Carmaghan, William Latimer and James Duffie, part of the crew of the vessel, concur, in general terms, in saying that although they were hired only for a voyage to Nassau, yet they believed that the business of this vessel, after getting out to Nassau, was to be in running between that port and Charleston or Wilmington; and that some of them give as reasons for their belief the conversations had on the subject, and the circumstances attending the late purchase, in Glasgow, of the

vessel, by the present claimant. Some of them say, too, that there was a Confederate flag on board—put on board in Glasgow, as a part of her fitting out. They generally concur in saying that it was the common opinion of the crew on board that the vessel was to be employed in running to Charleston or Wilmington, and that she was going out to Nassau for that purpose; and that, although they were not bound by their shipping agreement to go any further than Nassau, yet it was understood that they wolud have an opportunity there to reship in this vessel, or other vessels employed in that trade. Neither the master, the mate, nor any other witness examined, pretends to give any reason for the vessel's going to Nassau, nor any opinion as to what her voyage or employment was intended to be. The claimant, Mr. Wigg, simply says, in reference to the subject, in his letter to the consignee in Nassau: "You will have received instructions by regular mail in regard to this vessel." Now, it seems to me that the testimony, as it stands, taking all the facts together, raises a very strong presumption that the owner was sending out this vessel to Nassau with the settled purpose that she should be employed in running between that port and the ports of Charleston and Wilmington, in violation of the blockade. There is not a fact or a tittle of testimony in the case to rebut that presumption. But, the vessel being captured when really going from one neutral port to another, I am unwilling to pass a decree of condemnation without giving to the claimant the time and all the facilities he may desire to produce evidence to rebut the powerful presumption against him. He has it in his power, if innocent, to clear up the whole matter by his own oath, and by the oaths of others connected with the contemplated business of this vessel. If she was going out to Nassau for an innocent and lawful purpose, he can show it. He can state on oath and show what trade or business he intended she should be engaged in.

As to the ten bales of merchandise, the claimants, Messrs. Henry Adderly & Co., may very reasonably be called upon

to furnish their own affidavits, at least, that they had ordered these goods, that they were shipped on their account, and for their risk and benefit, and that the goods belonged solely to them at the time of shipment, and at the time of capture, and are theirs still, and will be solely theirs, if restored, and that no enemy of the United States has any interest, legal or equitable, directly or indirectly, in them. It would not be unreasonable to expect that they will also furnish a sworn copy of the order supposed to have been given to their English correspondent to send them these goods. (See the case of *The Concordia Affinitatis*, 1 *Hay & Marriott*, 289.) The bill of lading states that the goods were shipped by George Wigg, the claimant of the ship, to be delivered to Henry Adderley & Co. No letter of advice relative to them, nor any invoice, is found among the papers. The claim filed by the master asserts that Adderley & Co. are the owners. If the master should be mistaken, the true owner of the goods, whoever he may be, is at liberty to file his claim, supported by a full affidavit of title.

In whatever manner I may in the end decide this cause, it is pleasant to know that the parties, captors or claimants, if dissatisfied, may have a rehearing, a trial *de novo*, in the Supreme Court, where ample justice can be done them.

It is ordered that the claimant of the ship, in this case, be allowed to produce further evidence, by his own oath, and otherwise, touching his interest therein, and the use he intended, at the time of capture, to make of the vessel after her arrival at Nassau, the trade or business he intended she should be engaged in, and for what purpose she was going to that port; and that the claimant of the goods have time to produce an affidavit of his right and title thereto, and to produce such other proof of neutral ownership as he may be advised.